

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1299 OF 2009

Chandrakant Sudhakar Kulkarni .. Petitioner

Versus

The General Manager, MSRTC, Mumbai & Anr... Respondents

Mr. S.S. Thombre, Advocate for the petitioner.

Mr. B.B. Yenge, Advocate for respondent Nos. 1 & 2.

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.**

DATED : 13.10.2015

P.C. :-

1. The petition challenges order dated 08.08.2006 and 12.02.2007 refusing the petitioner the benefit of compassionate appointment in place of his father. At the age of 55 the petitioner's father was declared unfit for continuing his working as a Conductor. In view of the certificate issued by the Civil Surgeon, the employer relieved the petitioner's father from service and also suggested him that he should file an appeal against the order. It was further suggested that if he sought compassionate appointment to his next of kin, he would be further subjected to medical examination. Accordingly, the petitioner's father sought compassionate appointment of his son - petitioner. The petitioner's father was sent for medical examination to the Medical Board. At

this time, the Board opined that the petitioner's father was incapacitated of further service of any kind in the department in consequence of Hypertension uncontrolled with Cervical Spondylosis with old CVA (Cerebra Vascular Accident Hemiplegia). However, the petitioner's application for appointment on compassionate ground was rejected mainly because his father did not suffer from serious ailment, which are included in the circular. The circular is produced before the Court at page No.37 of the petition. The circular clearly mentioned that if an employee, during the course of his employment, suffered from Cancer, TB, paralytic stroke or permanent physical disablement, his next of the kin would be considered for compassionate appointment. The ailment suffered by the petitioner's father is not included in the circular.

2. We do not find any error on the part of the respondents in the impugned order refusing compassionate appointment to the petitioner. The writ petition stands dismissed. Rule discharged.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]