

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

WRIT PETITION NO. 11289 OF 2014

Prabhavati Govinda Chaudhari and Another.. Petitioners

Versus

The State of Maharashtra and Another .. Respondents

Shri Vinod P. Patil, Advocate for the Petitioners.

Shri K. J. Ghute Patil, A. G. P. for Respondent No. 1.

Shri M. K. Goyanka, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 05 AUGUST, 2015.

PER COURT :

1. Mr. Patil, the learned counsel submits that, the application of the petitioner seeking appointment on compassionate ground has wrongly been rejected. According to the learned counsel, the husband of the petitioner died due to illness. However, the respondent are not considering the application on the ground that, the husband of the petitioner was terminated. According to the learned counsel, the said order of termination itself is illegal. The learned counsel relies on the judgment of Karnataka High Court in a case of **Muniyamma V/s Divisional Controller, K. S. R. T. C., Bangalore** reported in **2013 (138) FLR 499.**

2. Mr. Goyanka, the learned counsel for respondent submits that, the husband of the petitioner did not die while in service. The husband of the petitioner is terminated, as such application of the petitioner is rightly not considered.

3. We have considered the submissions.

4. The appointment on compassionate ground is pursuant to the claim. If a person dies in harness while in service then, the legal heirs are entitled to claim appointment on compassionate ground. In the present case, petitioner was knowing that, the husband of the petitioner is terminated. The same is also stated in her application (Page.10). The order of termination is also placed on record. The case before the Karnataka High Court, in a case of Muniyamma referred supra, is on a different premise. In the said case, the order of termination of the deceased was itself challenged before the Labour Court and the proceedings before the Karnataka High Court were arising out of the judgment delivered by the Labour Court in the said proceedings.

5. In light of the above, the case of the petitioners cannot be considered. Writ petition is dismissed. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]