

IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

**WRIT PETITION NO. 4738 /2015**

(Smt. Kalabai wd/o Narayansingh Gharkele vs. The Secretary, Revenue & Forest  
Department and another )

.....  
Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders  
.....

Court's or Judge's order

Advocate for petitioner **absent.**

Shri N.S. Khubalkar, Asst. Govt. Pleader for Res. No.1

CORAM : **SMT. VASANTI A. NAIK &  
A.I.S. CHEEMA, JJ.**

DATED : **15<sup>th</sup> October, 2015.**

By this petition, the petitioner has challenged the order of the Maharashtra Administrative Tribunal, Nagpur, dated 7.2.2013, dismissing the Original Application filed by the petitioner, for a direction to the respondents to appoint the petitioner, on compassionate ground.

The husband of the petitioner, who was working as a Forester with the respondents expired on 27.9.2001. After the death of her husband, the petitioner applied for appointment on compassionate ground. The name of the petitioner was included in the waiting list of persons seeking appointment on compassionate ground. After the petitioner attained the age of 40 years, the name of the petitioner was removed from the waiting list

and an intimation in regard to the removal of her name from the waiting list, was given to her, in 2008. The petitioner did not do anything in the matter till 2013, when she filed the Original Application for a direction to the respondents to appoint her on compassionate ground. According to the petitioner, by the subsequent Government Resolution, dated 6.12.2010, the criteria for appointment on compassionate ground was modified and the upper age limit was raised to 45-years. The Tribunal dismissed the Original Application, filed by the petitioner.

On a reading of the impugned order, we do not find that the Tribunal committed any illegality in dismissing the Original Application filed by the petitioner. The Tribunal rightly held that the object of granting compassionate appointment loses its significance after a lapse of 12-13 years from the date of the death of the bread-winner. The Tribunal held and rightly so, that there is no vested right in an applicant to seek compassionate appointment. It was found by the Tribunal that the petitioner was age barred in the year 2007 as per the relevant policy, and hence the application of the petitioner was rejected, vide communication dated 27.6.2008 and she was informed about the same. Even if the appointment criteria for compassionate appointment was modified subsequently by the Government Resolution, dated

6.12.2010, the same could not have been made applicable to the case of the petitioner, more so when the petitioner had crossed the age of 45-years at the time of filing of the Original Application. In any case, the petitioner must have crossed the age of 45-years, if not then by this date; and no relief can be granted in favour of the petitioner.

Since the order of the Tribunal is just and proper, the Writ Petition is dismissed, with no order as to costs.

**JUDGE**

**JUDGE**

*safare*