

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5101 OF 2015

Rameshwar Vishwanath Pawar

-vs-

Chief Commissioner of Income Tax, Nagpur and another

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

Court's or Judge's Orders.

Mr.A.R.Patil, counsel for the petitioner.

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

DATE : 05.10.2015.

By this petition, the petitioner seeks a direction to the respondent No.1 to appoint the petitioner on compassionate ground.

The father of the petitioner expired while working with the respondents as a Peon on 07/11/2007. The petitioner applied for appointment on compassionate ground on the death of his father. The respondent No.1 considered the application of the petitioner and called the petitioner for interview on 26/06/2009. According to the petitioner, though the petitioner was interviewed on 26/06/2009, the respondents had not taken any further steps to appoint the petitioner. It is stated that the petitioner was continuously making representations to the respondents seeking appointment on compassionate ground in pursuance of the interview held on 26/06/2009, but without success.

The relief sought by the petitioner cannot be granted in the circumstances of the case. The father of the petitioner had expired in the year 2007 and if the petitioner was called for interview on 26/06/2009 and was not appointed within a reasonable time from the said date, it was necessary for the

petitioner to have taken appropriate steps for seeking a direction to the respondents for appointing the petitioner on compassionate ground. The petitioner has moved this Court more than six years after he was called for interview on 26/06/2009. It is well settled that the filing of successive representations would not stop the period of limitation. The object of compassionate appointment is to grant succor to the dependents of the employee, who dies, while in service. The object of granting compassionate appointment gets frustrated if the dependent of the employee is not appointed for nearly ten years from the date of the death of the employee. If the petitioner was called for interview on 26/06/2009 and was not appointed, the petitioner ought to have filed the petition some time in the year 2009 or in the beginning of the year 2010. The petitioner has filed the instant petition on 21/07/2015. Merely because some communication is issued to the petitioner on the basis of an application made by the petitioner seeking certain information under the Right to Information Act, the period of limitation does not get extended. It would be worthwhile, to refer to the cases reported in (1995) Supp.4 SCC 593 (Administrator of Union Territory of Daman and Diu v. R. D. Valand), (1997) 11 SCC 13 (Jai Dev Gupta v. State of H.P.) and (2006) 4 SCC 322 (Karnataka Power Corpn.Ltd. v. K. Thangappan) in this regard.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE