

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

WRIT PETITION NO. 5856 OF 2015

Nilesh S/o Mukunda Atram

-vs-

Shivaji Shikshan Prasarak Mandal, Gadchiroli, thr. Its President and others

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

Court's or Judge's Orders.

Mr. G.N.Khanzode, counsel for the petitioner.
Ms Tajwar Khan, AGP for the respondent Nos.3 and 4.

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

DATE : 20.10.2015.

By this petition, the petitioner impugns the communication of the respondent No.1, rejecting the application filed by the petitioner for appointment on compassionate ground. The petitioner seeks a direction to the concerned respondents to appoint the petitioner on compassionate ground.

The father of the petitioner was working as an Attendant in the respondent No.2-College. The father of the petitioner expired, while in service, on 04/08/2008. The petitioner applied to the respondent No.2 for appointment on compassionate ground in the year 2009. Since the petitioner was not appointed and the application was not favourably considered, the petitioner made representations to the respondent Nos.1 and 2 time and again till 07/03/2015. The representation of the petitioner was rejected by the impugned order, dated 25/09/2015. The petitioner was informed that the mother of the petitioner was in service and the petitioner cannot be appointed on compassionate ground. The petitioner has impugned the said communication and has sought his appointment on compassionate ground.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. The impugned order cannot be faulted with. At the relevant time when the father of the petitioner expired, the mother of the petitioner was in service. The mother of the petitioner retired after more than four years from the death of the father of the petitioner, on attaining the age of superannuation. The object of granting appointment on compassionate ground is to provide succor to the dependents of the bread winner, who dies in harness. In the instant case, the widow of the bread winner was actually in service for more than four years after the death of the bread winner. In this background, the respondents rightly rejected the application filed by the petitioner for appointment on compassionate ground. Also, the father of the petitioner had expired in the year 2008 and if the petitioner was not appointed within a reasonable time from the death of his father, the petitioner ought to have filed appropriate proceedings. The petitioner has approached this Court more than seven years after the death of his father. The object of granting appointment on compassionate ground loses its significance due to the delay.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE