

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7362 OF 2014

[Shri Pandit Dharmaji Kamble .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri R.R. Gour, counsel for the petitioner,
Shri K.L. Dharmadhikari, AGP for respondent nos.1, 2 and 4,
Shri Ashok Tathod, counsel for respondent no.3,
Shri V.B. Bhir, counsel h/f Shri Amol Deshpande, counsel for respondent no.5.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 01, 2015.

By this petition, the petitioner seeks a direction to the respondent no.5 to absorb the petitioner in its employment on compassionate ground. In the alternative, the petitioner seeks contractual employment on Class-III or Class-IV posts.

The petitioner has abused the process of this court by filing the instant petition. The father of the petitioner had expired, while in service of the respondent no.5-Zilla Parishad in the year 1977. The mother of the petitioner had applied to the respondent no.3 to appoint the petitioner, after he attains the age of majority. The petitioner, it is stated, was only three years of age, when his father expired in the year 1977. According to the petitioner, the petitioner made representations to the respondent - Zilla Parishad for appointment on compassionate ground after 1990 till the year 2014. When the respondent - Zilla Parishad issued an advertisement for filling various posts in Zilla Parishad, Washim, the present petition is filed seeking the aforesaid relief. The appointment on compassionate ground cannot be granted after a lapse of nearly 40 years from the date of death of the father. The object of granting appointment on compassionate ground stands frustrated in the facts of this case. There

is nothing on record to show that the petitioner could have sought the appointment on compassionate ground after attaining the age of the majority when the petitioner was only three years of age at the time of death of his father. It is a well settled that compassionate appointment cannot be claimed as of a right. The petition suffers from laches. Mere making of representations from the year 1990 to 2014 is inconsequential while deciding whether there is 'sufficient cause' for the delay in filing the writ petition. It would be necessary to refer to the judgments reported in 1995 Supp (4) SCC 593 (Administrator of Union Territory of Daman and Diu and others), (1997) 11 SCC 13 (Jai Dev Gupta .vs. State of H.P. and another, (2009) 3 SCC 281 (Yunus (Baboobhai) A. Hamid Padvekar .vs. State of Maharashtra and through its Secretary and others) and (2006) 4 SCC 322 (Karnataka Power Corporation Limited through its Chairman and Managing Director) and another .vs. K. Thangappan and another) in this regard. The unreported judgment dated 20.2.1995 in Writ Petition No.167/1995 cannot be made applicable to the facts of this case.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

Gulande