

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5716 OF 2015

Rajendra Nana Patil

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.Ashwin V. Hon advocate for the petitioner

Mr. S.S.Dande, AGP for Respondent No.1

Mrs. Chaitali Chaudhari, advocate for respondent No.2

CORAM : R.M. BORDE

& A.I.S. CHEEMA, JJ

Dated : 22nd JANUARY, 2016.

PER COURT :-

1 The petitioner is praying for consideration of his claim for appointment on compassionate ground, after demise of his father, who was the breadwinner of the family and employed in Zilla Parishad, Jalgaon.

2 The father of the petitioner died in the year 2007. The application tendered by the petitioner has not been considered for the reason that, his elder brother is already employed in RCF, a State controlled Company and that his another brother is engaged in computer business. The petitioner also does have some landed property. His mother is getting pension to the tune of Rs.19,417/-

per month.

3 In the circumstances referred to above, the decision of the employer in refusing to consider the application tendered by the petitioner for appointment on compassionate grounds, does not appear to be erroneous.

4 In the matter of Bhawani Prasad Sonkar v. Union of India ((2011) 4 SCC 209), the Honourable Apex Court has observed as under:-

“ Now, it is well settled that compassionate employment is given solely on humanitarian grounds with the sole object to provide immediate relief to the employee’s family to tide over the sudden financial crisis and cannot be claimed as a matter of right. Appointment based solely on descent is inimical to our constitutional scheme, and ordinarily public employment must be strictly on the basis of open invitation of applications and comparative merit, in consonance with Articles 14 and 16 of the Constitution of India. No other mode of appointment is permissible. Nevertheless, the concept of compassionate appointment has been recognised as an exception to the general rule, carved out in the interest of justice, in certain exigencies, by way of a policy of an employer, which partakes the character of the service rules. That being so, it needs little emphasis that the scheme or the policy, as the case may be, is binding both on the employer and the employee. Being an exception, the scheme has to be strictly construed and confined only to the purpose it seeks to achieve.”

5 In the instant matter, admittedly, the breadwinner of the family is lost in 2007 and the family has absorbed the sudden shock on account of loss of breadwinner. After passage of about 8 years period, the claim of the petitioner for appointment on compassionate grounds being stale one, need not be considered, apart from the reasons as recorded above.

6 The writ petition is devoid of substance and hence stands dismissed.

(A.I.S. CHEEMA, J)

(R.M.BORDE, J)