

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 11032 OF 2016

Ku. Sujata d/o Devidas Shende

.. PETITIONER

VERSUS

The State of Maharashtra
& another

.. RESPONDENTS

Mr. Kalyan Patil, advocate holding for Mr. S.R. Barlinge, advocate for petitioner.

Mr. S.B. Yawalkar, AGP for the State.

Mr. M.C. Swami, advocate for respondent no. 2.

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CORAM : R.M. BORDE &

SANGITRAO S. PATIL, JJ.

DATE : 21st NOVEMBER, 2016.

PER COURT :

1. Mother of petitioner who was in employment as Naik opted for voluntary retirement in the year 2003 and died on 14.06.2013. After demise of mother, petitioner tendered application seeking appointment on compassionate ground on 21.08.2013. As per the policy framed on 10.11.2015 which is placed on record, the application seeking benefit of employment shall have to be made within one year from the date of accrual of cause of action i.e. from the date of voluntary retirement on account of reason attributable to medical fitness. The scheme/policy of employment on compassion framed on 10.11.2015 may not be relevant for consideration of request made by petitioner on 21.08.2013.

2. In the instant matter, mother of petitioner opted for voluntary retirement on medical ground in the year 2003 and she died in the year

2013. Application itself is presented seeking appointment on compassionate ground after lapse of ten years. Application having been tendered belatedly does not deserve to be considered. The claim of petitioner for appointment on compassionate ground is not liable to be considered either under the scheme dated 10.11.2015 or on any other ground. Appointment on compassionate ground is to be offered to heirs of the deceased employee to tide over the sudden crisis. Appointment on compassionate ground cannot be claimed as a matter of right however, such appointment has to be offered in exceptional circumstances with a view to help the family in distress. In the instant matter, the mother of the petitioner has opted for voluntary retirement in the year 2003 and she died in 2013. The claim of petitioner seeking compassionate appointment raised in 2013 after lapse of ten years from the date of occurrence of cause need not be directed to be considered. Petition is devoid of substance hence stands rejected.

(SANGITRAO S. PATIL)
JUDGE

(R. M. BORDE)
JUDGE

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