

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

WRIT PETITION NO. 1601/2016

(SANGITA BALGOVIND BRAMHANE @ SANGITA RAKESH WAGHMARE **VERSUS** STATE OF MAHARASHTRA
 & ORS)

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

Court's or Judge's orders

 Shri M.P. Kariya, counsel for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 08, 2016.

By this writ petition, the petitioner impugns the order of the respondent no.3, dated 04.02.2015 rejecting the application filed by the petitioner for appointment on compassionate ground.

Shri Kariya, the learned counsel for the petitioner, states that though the petitioner has also prayed for a declaration that the petitioner and her mother are entitled for monthly allowance, the petitioner is not desirous of pressing the said prayer in this writ petition and she would take appropriate steps to seek the relief. It is stated that at this stage, the petitioner is restricting the petition to the prayer in respect of grant of appointment on compassionate ground.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. The employee of the respondent no.3, i.e. the father of the petitioner had expired, while in service on 08.02.2003. For the first time, the petitioner had applied for appointment on compassionate ground on 22.01.2014. It is observed in the impugned order that the petitioner's mother was the second wife of the deceased employee and all the four daughters of the deceased employee from his first wife were married and were not dependent on the deceased. It appears that the petitioner has filed the application very belatedly, i.e. on 22.01.2014, though her father had admittedly expired on

08.02.2003. The object of granting appointment on compassionate ground would stand frustrated if the application for appointment on compassionate ground is considered after more than twelve years from the death of the employee. The object of compassionate appointment is to grant succour to the dependents of the breadwinner, who dies while in service, in harness. Since the first application is made by the petitioner in the year 2014, it appears that the petitioner was not dependent on the deceased and, hence, she had not applied immediately after the death of the employee, for appointment on compassionate ground. It would be in the interest of justice for the respondents to consider the application of the dependents of the deceased employees who have died recently rather than considering the appointment of a divorced daughter of a deceased employee, after a period of more than twelve years from the death of the employee.

Since the object of granting appointment on compassionate ground would stand frustrated if the relief is granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

APTE