

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

WRIT PETITION NO.2404/2015

Rajkumar s/o Shriram Shahare

...Versus...

**State of Maharashtra, through its Secretary, Rural Development and Water
Supply, Mantralaya, Mumbai – 32 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 M.R. Pillai, Advocate for petitioner
Ms Tajwar Khan, AGP for respondent no.1

**CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.**

DATE : 20.01.2016

By this petition, the petitioner challenges the order of the respondent no.1 refusing to grant compassionate appointment to the petitioner.

The father of the petitioner was working as an Assistant Teacher in the Zilla Parishad and he expired while in service on 31.12.1973. The mother of the petitioner had applied for compassionate appointment in the year 1976, but without success. The petitioner, the second son of his father, applied for appointment on compassionate ground on 5.10.1990. Since the application was not considered, several representations were made by the petitioner for appointment on compassionate ground. By the impugned communication dated 14.10.2013, the petitioner was informed by the State of Maharashtra that the

appointment of the petitioner cannot be made on compassionate ground, as there was no policy of the State Government at the relevant time for granting compassionate appointment.

On hearing the learned Counsel for the parties, it appears that the relief sought by the petitioner cannot be granted. It is ridiculous that a person should approach a Court of law for compassionate appointment 42 years after the death of his father. A person is otherwise also age barred and cannot apply in regular employment at the age of 42 years. If the mother of the petitioner had applied in the year 1976 for compassionate appointment and the same was not granted, the mother of the petitioner ought to have approached the appropriate forum for a direction to the respondents, within a reasonable time. However, the mother of the petitioner did not take any steps in the matter of compassionate appointment. The petitioner applied for compassionate appointment on 5.10.1990. If the application of the petitioner was not decided, the petitioner should have approached this Court within a reasonable time. Making of successive representations would be inconsequential while considering sufficient cause as they cannot stop limitation. It would be worthwhile to refer to the judgments reported in *(2006) 4 SCC 322* and *1995 Supp (4) SCC 597* in this regard. The petition suffers from laches.

Hence, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE