

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

WRIT PETITION NO.3563 OF 2016

[Pritam Madhukarrao Tatte .vs. The Deputy Director of Industry, Mumbai 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.A. Vaishnav, counsel for the petitioner,  
Shri D.P. Thakre, Additional G.P. for respondent nos.1 and 2.

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CORAM : SMT. VASANTI A. NAIK AND  
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 04, 2016.

By this writ petition, the petitioner seeks a direction against the respondents to decide the proposal of the petitioner for compassionate appointment.

The petitioner is the son of deceased Madhukarrao Tatte, who was working as a Class-III employee with the respondent no.3 - Project Director, Zilla Gramin Vikas Yantrana, Amravati. The father of the petitioner expired on 30.7.1999. After the death of the father of the petitioner, the uncle of the petitioner applied for compassionate appointment, but the application was rejected. It is the case of the petitioner that when he attained the age of majority in 2007, he applied for compassionate appointment. It is stated that though the petitioner was continuously making applications to the respondents seeking compassionate appointment, the applications are not decided. The petitioner has, therefore, sought a direction against the respondents to decide the application of the petitioner.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. More than 17 years have lapsed from the date of death of Madhukar Tatte. The object of granting compassionate appointment would get frustrated, if

appointment is granted to the petitioner 17 years after the death of the deceased. Also, compassionate appointment may not be granted to the petitioner, as at the relevant time, the mother of the petitioner was working as Assistant Teacher in the Zilla Parishad and compassionate appointment is provided only to the dependents of a bread-winner, who dies in harness. The mother of the petitioner was already in service with a local body. Also, the uncle of the petitioner had applied for compassionate appointment and his application was rejected. The petitioner's application was also rejected once, but the petitioner continued to make representations to the respondents seeking compassionate appointment. In the circumstances of the case, the respondents have rightly not considered the representations of the petitioner, favourably. This is not a fit case for grant of appointment on compassion. In any case, if the petitioner was not appointed in the year 2007, when he applied for the first time, the petitioner should have filed proceedings for appropriate relief. Mere making of representations time and again to the authorities concerned would not stop the period of limitation. Not only is the petitioner dis-entitled for compassionate appointment on merit but the petition also suffers from laches.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE