

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

WRIT PETITION NO. 6444/2016
 (INDUBAI DEVNATH HEDAOO **VERSUS** THE COLLECTOR, NAGPUR & OTHERS)

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

Court's or Judge's orders

 Shri S.S. Khadse, counsel for the petitioner.
 Shri A.M. Joshi, A.G.P. for the R-1 to 3.

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

DATE : NOVEMBER 30, 2016.

By this writ petition, the petitioner, a widow, aged 59 years, seeks a direction against the respondents to include the name of the daughter of the petitioner in the list of claimants seeking employment on compassionate ground.

The husband of the petitioner was working as a clerk in the Central Prison, Nagpur. While in service, the husband of the petitioner expired on 05.11.2002. The petitioner did not claim employment on compassionate ground. When the son of the petitioner attained the age of majority, he applied for compassionate appointment, on 11.10.2005. Though the son of the petitioner was intimated by the respondent no.3 to attend the office on 23.06.2008, and even thereafter, the son of the petitioner did not attend the office for seeking employment. Since the son of the petitioner was not interested in securing compassionate appointment, the petitioner made representations on 01.12.2008 and 11.12.2008 seeking replacement of the name of her daughter in place of her son for compassionate

appointment. The petitioner was informed *vide* communication, dated 24.01.2009 that the representation was rejected. The petitioner still persisted in making representations seeking the inclusion of the name of her daughter. The said representations were also rejected by the respondents. The petitioner has challenged the orders rejecting the representations and has sought the inclusion of the name of her daughter in the list of claimants seeking employment on compassionate ground.

The relief sought by the petitioner cannot be granted in the circumstances of the case. The object of granting compassionate appointment would get frustrated if the claim of the petitioner is considered in the year 2016, when the husband of the petitioner has expired on 05.11.2002. The petitioner had not applied for compassionate appointment and her son applied for the same on 11.10.2005. Though the son of the petitioner was called by the respondent no.3, the son of the petitioner did not respond to the communications of the respondent no.3. Though the prayer made by the petitioner for inclusion of the name of her daughter in place of her son for compassionate appointment was rejected in the year 2009, the petitioner did not challenge the said order and continued to make representations that were decided by the orders passed by the respondents in the year 2013 and 2016. The respondents were justified in rejecting the representations made by the petitioner. The petitioner was not entitled to seek the replacement of the name of her married daughter in place of her son. The government resolution, dated 26.02.2013 did not confer any right on the petitioner to seek the replacement

of the name of a married daughter in place of a son. The respondents rightly rejected the representations of the petitioner as the son of the petitioner had not responded though the respondents offered compassionate appointment to him. The respondents had observed, and rightly so, that if the married daughter was the only issue of the deceased and if the family was dependent only on the married daughter, a married daughter was entitled to be considered for appointment. Even otherwise, since the husband of the petitioner had expired in the year 2002, the petitioner could not have relied on the government resolution, dated 26.02.2013 in support of her case. In any case, since the husband of the petitioner had expired in the year 2002, it would not be proper to consider the prayer of the petitioner to replace the name of her married daughter in place of her son for compassionate appointment, in the year 2016.

In the result, the writ petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE

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