

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

WRIT PETITION NO. 10525 OF 2014

Swati Dattu Baviskar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. P. Raje, Advocate h/f Shri R. H. Dahat, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for the Respondent No. 1.

Shri V. C. Patil, Advocate h/f Shri U. B. Bondar, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. The learned counsel for the petitioner submits that, father of the petitioner namely Dattu died while in service with the respondent Nos. 2 and 3 as Head Master in the primary school on 08.08.2009. On 09.11.2009 the petitioner made an application with the respondent No. 2 to consider her claim for appointment on compassionate ground. The said proposal was forwarded by the respondent No. 3. The said proposal was rejected in the year 2012. Thereafter again on 15.01.2013 fresh application was made in view of entitlement of married daughters to get appointment on compassionate ground. The same is also rejected on

18.03.2013 on the ground that the petitioner is not the only child of the deceased and the family of the said employee is not dependent on the petitioner alone. According to the learned counsel, the reason given is palpably wrong. The petitioner has a step brother and he lives separately along with his family. The step brother has also filed affidavit before this Court stating that he lives separate with his family and that the mother and the younger sister are entirely dependent on the petitioner. The learned counsel submits that, as married daughters are also entitled for appointment on compassionate ground and the family of the deceased is dependent upon the petitioner, the respondents be directed to give appointment to the petitioner on compassionate ground.

2. We have heard the learned counsel for the respondents.

3. The father of the petitioner died on 08.08.2009. At the time of his death, he was working as a Head Master in the primary school. The retiral benefits must have been paid. It would appear that, initially in the year 2012 itself claim of the petitioner for appointment on compassionate ground is rejected. The said order does not appear to have been challenged. Thereafter, again a fresh application was made in the year 2013. Said application is again rejected in the year 2013.

4. The purpose of appointment on compassionate ground is to provide immediate succor to the family of the deceased while in service. After a period of eight years the very purpose of seeking appointment on compassionate ground would loose its efficacy.

5. Considering the fact that, the initial claim of the petitioner was itself rejected in the year 2012 and the same was never assailed and fresh application is also rejected, we are not inclined to consider the application for appointment on compassionate ground after a long slumber of eight years. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17