

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1141 OF 2016

Arun Laxman Ghumare

.. **Petitioner**

Versus

The Managing Director and another

.. **Respondents**

Shri Prashant D. Suryawanshi, Advocate for the Petitioner.

Shri D. S. Bagul, Advocate for Respondent No. 2.

CORAM : **S. V. GANGAPURWALA &**
S. M. GAVHANE, JJ.

DATE : **5th October, 2017**

PER COURT :

1. Mr. Suryawanshi, the learned counsel submits that the father of the petitioner was terminated from service on medical grounds. The petitioner was suffering from weak eye sight and lumber problem. On account of medical incapacity the petitioner was terminated. The father of the petitioner in 1995 had filed an application that he seeks the appointment of the petitioner on compassionate ground, no steps were taken by the respondent. The learned counsel submits that the claim is subsequently rejected in the year-2015. According to the learned counsel, as per the relevant policy, the petitioner is entitled to be appointed on compassionate ground. The petitioner was consistently making applications however no response was being given.

2. Mr. Bagul, learned counsel submits that at the relevant time the compassionate appointment could have been given to the ward of an employee who is medically unfit on account of the serious ailment such as Cancer, Paralysis or who is suffering from permanent disability. The father of the petitioner did not suffer from all these ailments and as such was not entitled for appointment on compassionate ground.

3. The policy nowhere suggests that on account of termination of service on the ground on which the father of the petitioner is terminated appointment could have been given on compassionate ground.

4. Moreover, the purpose of compassionate appointment is to provide immediate succour to the family of the employee who has been permanently incapacitated or has died. The father of the petitioner was terminated on medical ground on 9th November, 1994. It would not be appropriate to consider the claim of the petitioner for appointment on compassionate ground after long slumber of 23 years.

5. Considering the above, no relief can be given to the petitioner. Writ petition is dismissed. No costs.