

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5132 OF 2009**Shaikh Faim S/o Shaikh Nazir Vs. Executive Engineer, Minor Irrigation Project.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
--	---------------------------

Mr.S.B.Bhapkar, advocate for the petitioner.

Mr.Tatyasaheb Bhosale, advocate for the Respondent.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 06.01.2017.

PER COURT :

1. Heard.

2. The learned counsel for the petitioner states that the father of the petitioner was serving as a sweeper with the Respondent. Since 2000, the whereabouts of the father of the petitioner were not known. Missing complaint was also filed in the year 2000. According to the learned counsel, on attaining the age of majority, the petitioner filed an application seeking appointment on compassionate ground. As no steps were taken, the Writ Petition was filed in this Court. Upper age limit for appointment on compassionate ground is 40 years. The petitioner is well within the

said age. There is no other source of income for the petitioner except the pension amount received by the mother. According to the learned counsel, the case of the petitioner deserves to be considered sympathetically.

3. Learned counsel for Respondent opposes the said petition and submits that the scheme of compassionate appointment is not applicable in case of missing person. The retiral benefits are already released and pension is already given in the year 2003.

4. We have considered the submissions. The purpose of compassionate appointment is to provide immediate succour to the family of the deceased employee, who has died during employment. The father of the petitioner has gone missing in the year 1999. Complaint to that effect is also filed in 2000 and the retiral benefits and the pension is being paid to the mother of the petitioner in the year 2003. After lapse of almost 14 years, it would be inappropriate to consider the case of compassionate appointment. The very purpose of compassionate appointment is lost by efflux of time. Even assuming that the father of the petitioner has gone missing and the same may tantamount to civil death, still, after such a long slumber, it would be inappropriate to consider the case of petitioner for compassionate appointment.

5. The Writ Petition is accordingly disposed of. Rule

discharged. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.01.2017.
asp/office/wp5132.09