

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

WRIT PETITION NO. 5995 OF 2016

Smt.Sumanbai wd/o. Laxman Gund & Anr. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.S.B. Bhosale, Advocate for the petitioners.

Mr.P.S. Patil, AGP for respondent No.1.

Mr.S.N. Rodge, Advocate for respondent Nos.2 to 5.

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

DATED : 30.11.2017

P.C. :-

1. Mr.Bhosale, learned advocate submits that the husband of petitioner No.1 and the father of petitioner No.2 died while in service on 04.12.1998. In June, 1999, petitioner No.1 applied with the respondents seeking appointment on compassionate ground. The petitioner was directed to comply with documentation. The petitioner supplied necessary documents immediately. Same was

forwarded to respondent No.2 through respondent No.4. Learned advocate submits that no steps were taken by respondent No.2 on the application given by petitioner No.1, though from time to time petitioner No.1 represented with respondent No.2. Subsequently, in the year 2014, petitioner No.2 became major and within nine months of the petitioner No.2 becoming major, petitioner No.2 filed application with respondent No.2 seeking appointment on compassionate ground in the place of his father. Same is rejected on the ground that the father of the petitioner was made permanent in MARUF agreement and that the application is not within limitation. Learned advocate submits that the employees who were confirmed under MARUF agreement, their wards are also entitled for appointment on compassionate ground. Same is held by Division of this Court in Writ Petition No. 5501 of 2008 dated 20.11.2008, so also in various matters this Court has held that the wards of the employees confirmed under MARUF agreement are entitled for appointment on compassionate ground. The petitioner

immediately within nine months made an application. As such the application was well within the period of limitation from the date when the petitioner No.2 attained the age of majority. The impugned order is erroneous.

2. Learned Counsel for the respondent supports the order.

3. This Court in number of matters held that the wards of those employees who were confirmed under the MARUF agreement were entitled for appointment on compassionate ground. The only question that is to be considered is whether the claim of the petitioner No.2 for appointment on compassionate ground can be considered after 19 years. Petitioner No.1 has crossed 55 years of age. It appears from the record that petitioner No.1 had made application with respondent No.2 seeking appointment on compassionate ground. However, after making application, it does not appear that the petitioner No.1

has prosecuted said application. If no orders were passed on her application, the petitioner No.1 could have agitated with respondent No.1 for need of service and could have approached the Court. Be that as it may, it was in the year 2014 after about 16 years, petitioner No.2 applied seeking appointment on compassionate ground. The purpose behind floating scheme for appointment on compassionate ground is to provide immediate assistance to the family of deceased employee. The purpose for compassionate appointment cannot perpetuate for a period of 18-20 years. The Apex Court in Civil Appeal No.1385 of 2017 under order dated 03.02.2017 as observed as unde:-

"It is well settled that application for compassionate appointment cannot be kept pending for indefinite period and if no vacancy is available within a reasonable time, the claim cannot be thereafter entertained."

4. Though it has been held that wards of the employees confirmed under the MARUF agreement are

entitled for appointment on compassionate ground, however, considering the long delay, the claim of petitioner for appointment on compassionate ground would not survive. The case of the petitioner cannot be considered.

5. The writ petition is disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]