

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

WRIT PETITION NO. 7016 OF 2016

Sharad Ramkrishna Tarse

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri T. M. Venjane, Advocate for the Petitioner.

Shri A. P. Basarkar, A.G.P. for Respondent Nos. 1 to 3.

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

DATE : 06TH APRIL, 2017.

PER COURT :

. Mr. Venjane, the learned counsel for the petitioner submits that, the father of the petitioner was working as Agricultural Assistant with the respondent No. 2. While in service, he died on 05th July, 2011. The petitioner became major in January 2015. In August 2015, the petitioner filed an application seeking appointment on compassionate ground. Same is rejected on the count that the application is not submitted within one year. The learned counsel relies on the Government Resolution dated 11th September, 1996 to submit that, a child who was minor can make application within one year after attaining age of majority for

claiming appointment on compassionate ground.

2. The learned Assistant Government Pleader submits that, the application of the petitioner is rightly rejected as per the G. R. dated 22.08.2005, which states that, the application has to be made within one year after death of the Government Servant.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The Government Resolution dated 11th September, 1996 adds proviso to Rule 5 of the G. R. dated 26.10.1994 thereby suggesting that if a person who was minor at the time of death of his father or the person pursuant to whose death he is claiming appointment on compassionate ground may apply for appointment on compassionate ground within one year from the date of attaining age of majority. The said clause does not appear to have been superseded, nor it is pointed out that, said clause stands superseded.

5. Considering the above, the impugned order is quashed and set aside. The respondent/authorities shall reconsider the application of the petitioner for appointment on compassionate ground on its own merits and considering the fact that, the same is filed within limitation i. e. within one year from the date of

attaining age of majority. The same be done expeditiously and preferably within a period of six (06) months from today. The writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 17