

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

WRIT PETITION NO. 8729 OF 2016

Kamalbai Shankarrao Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. V. Suryawanshi, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for the Respondent No. 1.

Shri Suresh D. Dhongade, Advocate for the Respondent No. 5.

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

DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. Suryawanshi, the learned counsel for the petitioner submits that, the husband of the petitioner died on 19.02.2004 while in service with the respondent. The petitioner applied seeking appointment on compassionate ground on 28.11.2006, however, said application was not considered as there was interse dispute amongst various heirs of the deceased husband of the petitioner. The said dispute was resolved in December 2009 and thereafter again application was made by the petitioner in December 2013 and consistently thereafter the petitioner is making applications seeking appointment on compassionate ground. The same is not considered. The respondents have

rejected the claim on the basis of Government Resolution dated 22.08.2005 stating that application is not made within one year. The learned counsel submits that, said Government Resolution dated 22.08.2005 would operate prospectively and would not cover this case. The death has occurred prior to the said Government Resolution. In the present case, the husband of the petitioner died on 19.02.2004, as such would be governed by old policy. The application is within limitation. The learned counsel submits that, the delay is not on account of petitioner, as there was interse dispute. The dispute could get only resolved in December 2009, and thereafter the petitioner could make application. The need of the petitioner be considered.

2. Mr. Dhongade, the learned counsel for respondents submits that, even after the dispute amongst heirs was resolved in December 2009, the application was made by the petitioner seeking appointment on compassionate ground in December 2013. Though initial application in the year 2006 was made, the other heirs objected to the petitioner's application.

3. We have considered the submissions.

4. Even as per the petitioner, the husband of the petitioner died on 19.02.2004. The petitioner had made application seeking appointment on compassionate ground on 28.11.2006, however, it

appears that, the other heirs of the deceased husband of the petitioner objected to the claim of the petitioner, as they were the sons from the first wife. The said dispute went on before the Court in the legal heirship proceedings and eventually before this Court it stood resolved as it appears from the order of this Court in Writ Petition No. 8116 of 2009 dated 18th December, 2009. After this order was passed again fresh application is made by the petitioner after lapse of four years in December 2013.

5. The claim for appointment on compassionate ground cannot be considered after a long period of time. It has to be considered within a reasonable time as very purpose of giving appointment on compassionate ground is to reduce the hardship that would be caused to the family of deceased dying in harness. The husband of the petitioner died thirteen years back, certainly claim for compassionate appointment cannot be considered after such a long time. It is also cannot be said that the respondents were at fault.

6. Considering the above, we are not inclined to entertain the matter. The writ petition as such is dismissed. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]