

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

WRIT PETITION NO. 9737 OF 2014

KRISHNA BABU KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.G.L.Deshpande, Advocate h/f Mr.S.N.Yelwatkar Lale,
Advocate for the petitioner
Mr.P.S.Patil, AGP for the respondent
Mr.S.B.Deshpande, learned ASG for respondent Nos.2 to 5

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 04.10.2017**

P.C. :-

. Learned counsel for the petitioner submits that father of the petitioner Mr. Babu Ranba Kshirsagar was working in the Group 'D' category and on 31.12.2004 due to health problem retired from service on 31.12.2004. The said retirement was due to invalidation. The father of the petitioner has rendered 29 years of service. According to the learned counsel, petitioner is entitled for appointment on compassionate ground. The post on which the father of the petitioner was working is still vacant. Learned counsel submits that the petitioner is indigent person and entitled to be appointed on compassionate ground. Learned counsel relies upon the judgment of the Apex Court in the case of Mukesh Kumar Vs

Union of India and others reported in AIR 2007 SC 3077.

The Central Administrative Tribunal has proceeded on factually erroneous premise.

2. Learned ASG submits that the Central Administrative Tribunal has properly considered all the aspect. The case of the petitioner was considered. There were 19 vacancies and 49 pending applications seeking appointment of compassionate ground. The last person recommended had 61 marks whereas the petitioner secured 57 marks.

3. We have considered the submissions and the judgment of the tribunal. The father of the petitioner retired on medical ground on 31.12.2004 almost 13 years back. The affidavit is filed stating that the pension is received by the father of the petitioner, which is to the tune of Rs.3851/-+ D.A. (P.M.) and also terminal benefits are given. The affidavit further states that there are 19 vacancies to be filled for which 41 applications are received seeking appointment on compassionate ground. The said applications were placed before the Committee. The last candidate recommended secured 61 marks and the petitioner secured 57 marks. Said marks were given considering the financial condition of the applicant. Other persons were more deserving for the appointment on

compassionate ground.

4. Even otherwise the purpose of appointment on compassionate ground is to provide immediate relief to the family of the person who has retired due to invalidation or one who had died in harness. Thirteen years have already lapsed. Considering the above judgment of the tribunal needs no interference. The writ petition is dismissed. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]