

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2563 OF 2013
IN RA(ST)/33736/2012 IN WP/6776/2010

VAIBHAV SHRIKANT GOVARDHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Shri Rakhunde Pravin B.
AGP for Respondent 1 : Shri Gujrathi Y.G.

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CORAM : RAVINDRA V. GHUGE & SUNIL K. KOTWAL, JJ.
Dated: November 01, 2017

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PER COURT :-

1. While considering the application for condonation of delay of 543 days, we have called upon the learned Advocate for the applicant to address us on the Review Application as well.

2. The learned Advocate for the applicant has addressed us on the merits of the Review Application as well as on the condonation of delay of 543 days. For the reasons stated in the Civil Application, the same is allowed and the delay of 543 days is condoned.

3. In so far as the Review Application is concerned, the petitioner submits on the basis of the record that his real married sister Priti (Priti w/o Atul Joshi) passed away on 28.6.2008. He

applied for appointment on compassionate basis in her place on 5.8.2009. Explanation is that the petitioner had moved a Civil Court for seeking heirship certificate, which was granted on 23.3.2009.

4. This Court by order dated 10.6.2011, which is sought to be reviewed, noted that as the petitioner has moved an application for seeking compassionate appointment after one year of the death of his sister, the said application could not be entertained in the light of the Government Resolution dated 22.8.2005.

5. Considering the above, we find that the following factors are relevant:-

(a) The sister of the petitioner was married to Shri Atul Joshi.

(b) Though the petitioner was granted the heirship certificate on 23.3.2009, he did not file an application for seeking compassionate appointment on/or before 20.6.2009, when he had more than three months at his disposal.

(c) The Government Resolution dated 22.8.2005, precludes the authorities from entertaining an application for

compassionate appointment after one year of the death of a permanent employee.

(d) The petitioner has acquired the heirship certificate from the competent Court on the ground that his sister had adopted him as her son, after her marriage to Shri Atul Joshi.

6. We, therefore, find that the petitioner's contention that he waited for the heirship certificate to be issued and that has caused the delay, is not sustainable because though he acquired the certificate on 23.3.2009, he did not make an application for seeking compassionate appointment on/or before 20.6.2009.

7. As such, we do not find any error apparent on the face of the order dated 10.6.2011. The Review Application is devoid of merits and stands rejected.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

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