

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3407 OF 2014**

Mangal Prakash Gheware and Ors. ...Petitioners

vs.

State of Maharashtra and Ors. ...Respondents

Mr. Samir Kumbhakoni for the Petitioner

Ms. R.M. Shinde, AGP for the Respondent State.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.
JULY 14, 2017**

PC.:

Parties through their counsel.

2. Petitioners' claim that the husband of the petitioner no.1 and father of petitioner no.2 died in harness on 18.2.2003. Seeking appointment on compassionate basis, the petitioners had approached before respondent no. 2 and 4.

3. According to the petitioners, in terms of the communication dated 22.1.2008 Exh. C, the petitioners had submitted the required documents before respondent no. 4, but till date no decision has been taken on the petitioners' prayer for grant of compassionate appointment to petitioner no. 2. In the circumstances, petitioners had filed this petition.

4. We find that the alleged sole bread winner of the family died in the year 2003. Thereafter except some correspondence,

till 2008 nothing had happened. After 2008 on the basis of the communication, the petitioners had submitted the documents but did not pursue the matter further. The inaction on the part of the respondents had not been promptly agitated by the petitioners before the appropriate forum. Not a single representation has been placed on record to show that after 2008 the petitioners were pursuing the matter before respondents.

5. After about 11 years of the death of the husband of the petitioner no.1 and father of petitioner no. 2 and after six years of the inaction on the part of the respondents after the documents were submitted by the petitioners, the petitioner has filed this petition on 12.2.2014. This delay of six years has also not been explained.

6. The law in regard to the compassionate appointment is well settled. The compassionate appointment cannot be another source of employment but is provided to the family of the deceased to overcome the sudden financial crisis and to give succor to the family which has been suddenly plunged into penury due to the untimely death of its sole breadwinner.

7. In the present case, from the facts as stated above, it is clear that the family of the deceased has been able to survive for such a long period and as such cannot be said, at this point

of time, that they are suffering from the financial crisis. In the result, for the delay and laches to approach the Court as also on merits, the petitioners are not entitled to get the relief of compassionate appointment.

8. As a result, petition fails and is dismissed.

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)