

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 2836 OF 2014

Mr. Sagar Yashwant Nikam (Gadhari)

.....Petitioner

V/s.

Malegaon Municipal Corporation
School Board and Ors.

....Respondents

Ms. Shraddha Dube Patil i/b M/s. Jay & Co. for Petitioner.

Mr. R. D. Rane for Respondent no. 1.

Mr. G. H. Keluskar for Respondent no. 2.

Mr. O. M. Kulkarni AGP for Respondent nos. 3 & 4.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 21st AUGUST 2017.

P.C.

1 Heard respective counsel. The petitioner seeks writ of *mandamus* directing the respondents to appoint the petitioner on the post of 'Peon' on compassionate grounds.

2 The father of the petitioner was in the employment of the

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respondent/corporation since 14/12/1968. He died while in service on 03/08/1998. According to the petitioner, as per the policy of the respondents, petitioner is entitled to be appointed on compassionate grounds and accordingly he had submitted an application in 2009 on attaining majority. The application of the petitioner is considered and his name is included in the list prepared by the respondent no. 1, however, petitioner is not given appointment and therefore, the petitioner is constrained to approach this Court.

3 In response to the notice issued to the respondents, the respondent no. 2 has filed reply pointing out that the appointment of father of the petitioner was illegal and he was working on the post which was not sanctioned and therefore, the State Government refused to disburse the grants towards the salary payable to the petitioner's father and the Municipal Corporation was required to bear the burden of it. It is stated that only because the name of the petitioner is included in the list of the applicants seeking appointment on the compassionate grounds, it does not mean that any right is conferred on the petitioner to seek appointment.

4 After hearing the learned Advocates for the respective parties and considering the documents placed on record of the petition, we are of the view that the petitioner is not entitled for the relief sought by him. As recorded earlier, petitioner's father died in 1998. The very purpose of the appointment on compassionate grounds is to render support to the family of the employee who cease to be in the employment. In our view, it would not be appropriate to direct the respondents to appoint the petitioner on compassionate grounds after almost 19 years of the death of the petitioner's father, specially when the petitioner has not been able to point out that the family of the deceased employee i.e. family of father of the petitioner is still in need of some financial support. It was submitted that the services rendered by the father of the petitioner were not legally regularised/accepted.

5 Petition is dismissed. In the circumstances, the parties to bear their own costs.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]