

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5250/2015

(PARVEZ KHAN MOHD. MOHD.SHAFIQUE-UR REHMAN KHAN **VERSUS** STATE OF MAHARASHTRA
& OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.P. Thakare, counsel for the petitioner.
Ms H.N. Jaipurkar, A.G.P. for the R-1 & 3.
Mrs. I.L. Bodade, counsel for the R-2.
Shri M. Rafique, counsel for the R-4 & 5.

CORAM : SMT. VASANTI A NAIK AND
V.M. DESHPANDE, JJ.

DATE : JANUARY 27, 2017.

By this writ petition, the petitioner seeks a direction against the respondents to appoint the petitioner on compassionate ground.

The father of the petitioner was working as an assistant teacher in the respondent no.5-Urdu Primary School. The father of the petitioner expired on 15.09.2014. After the death of the father of the petitioner, the mother of the petitioner sought employment for herself and as soon as the petitioner attained the age of majority, the petitioner also applied for his appointment on compassionate ground. Since the application of the petitioner was not considered favourably, the petitioner has filed the instant petition seeking a direction to the respondents to appoint the petitioner on compassionate ground.

It is submitted on behalf of the zilla parishad that it cannot be said that the petitioner is in financial distress due to the death of his father. It is stated that the father of the

petitioner had completed the qualifying service for grant of pensionary benefits and a sum of almost Rupees Ten Lakhs was paid to the mother of the petitioner after the death of his father. It is stated that an amount of Rs.3,21,255/- was paid to the petitioner's mother towards the gratuity and an amount of Rs.6,45,352/- was paid to her towards the provident fund. It is stated that in the circumstances of the case, it cannot be said that the petitioner is living in penury so as to grant him compassionate appointment.

In the circumstances of the case, the relief sought by the petitioner cannot be granted. Admittedly, the mother of the petitioner is receiving the family pension of Rs.21,320/- per month and she has received an amount of almost Rupees Ten Lakhs after the death of her husband. In the circumstances like the one in this case, it would not be proper to grant appointment on compassionate ground. Rather it would be necessary to grant compassionate appointment to the widow of a person, who dies at a young age while in service and his wife and his children, if any, are penniless on the date of his death. Since the relief sought by the petitioner cannot be granted in the circumstances of the case, the writ petition is liable to be dismissed.

Hence, we dismiss the same with no order as to costs.

JUDGE

JUDGE