

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

WRIT PETITION NO. 4122 OF 2017

Bhaskar Eknath Chavan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri M. M. Bhokarikar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, A.G.P. for Respondent Nos. 1 and 2.
Shri Vijay Sharma, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
SUNIL K. KOTWAL, JJ.**

DATE : 20TH JUNE, 2018.

FINAL ORDER :

. Mr. Bhokarikar, the learned counsel for the petitioner submits that, the father of the petitioner was serving with the respondent No. 3. While in service the father of the petitioner died on 03.12.2002. The petitioner immediately on 31.12.2002 filed an application with the respondent No. 3 seeking appointment on compassionate ground. The said application was not considered initially. Subsequently the petitioner was placed at Sr. No. 41 of the wait list of the candidates seeking appointment on compassionate ground. The learned counsel submits that, the report was also submitted by the Chief Executive Officer to the effect that the brother of the petitioner

who is in Government service is residing separately and is not supporting the family of the petitioner. Though the said report is in favour of the petitioner, the respondents caused delay in taking decision. The petitioner is not at fault. The Government Resolution dated 26th October, 1994 entitles the persons like the petitioner to be appointed on compassionate ground. The learned counsel submits that, the application was also filed in prescribed format and all the details were given. There was no reason for respondents to reject the application of the petitioner. Eventually in the year 2013 application was rejected. The petitioner filed representations thereafter, however, no steps were taken. The learned counsel submits that, the respondents are guilty of delay. If the appointment cannot be given on compassionate ground, then the petitioner is entitled for compensation for delay caused by respondents.

02. Mr. Sharma, the learned counsel for respondent Nos. 3 and 4 submits that, application of the petitioner was rejected way back on 30th December, 2008. However, thereafter the petitioner kept on making application again. Therefore, subsequent order was passed rejecting the application. The petitioner is not entitled for appointment on compassionate ground after lapse of sixteen years. The learned counsel also relies on the judgment of the Apex Court in a case of **Umesh Kumar Nagpal Vs. State of Haryana** reported in (1994) 4 SCC 138.

03. The appointment on compassionate ground is not governed by the Statute or Rules, but is pursuant to the executive instructions of the State. The purpose of compassionate appointment is to provide immediate succor to the family of the person dying in harness. The father of the petitioner died in December 2002. For sixteen years the petitioner is surviving.

04. The petitioner, it appears had made an application in December 2002. It also appears from the documents on record that, the petitioner was placed at Sr. No. 41 of the wait list of the candidates to be appointed on compassionate ground. Thereafter application of the petitioner seeking appointment on compassionate ground has been rejected under order dated 30th December, 2008. The said order is placed on record. In spite of the fact that, application of the petitioner was rejected on 30th December, 2008, the petitioner did not approach the Court. It is stated that, the petitioner was making representations with the respondents. The respondents again intimated the petitioner in the year 2013 that the claim of the petitioner for appointment on compassionate ground cannot be considered. The petition is filed in the year 2017. The initial application is rejected way back in the year 2008. The petitioner could have approached the Court at that time only, but the petitioner approached the Court after nine years.

05. Considering the aforesaid conspectus of the matter, this Court cannot come to the aid of the petitioner. The writ petition as such is dismissed. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 18