

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3287 OF 2013

Anilkumar Ganpatrao Shingade

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Miss Sheetal Salunke h/f Shri V. D. Salunke, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent No. 1.

Shri R. T. Nagargoje, Advocate for Respondent No. 2.

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

DATE : 4th July, 2018

PER COURT :

1. Miss Salunke, learned advocate for the petitioner strenuously contends that the respondents have on erroneous grounds negated the case of the petitioner for compassionate appointment. The father of the petitioner was working with the Water Supply Department and in the year - 2002 while in service he died. The petitioner became major in the year - 2004 and thereafter on 14.06.2006 filed an application with the respondent - authority seeking appointment on compassionate ground. In the year – 2008, the application was rejected by the Chief Executive Officer without assigning proper reasons. The

reasons given also are improper. In the year - 2011, the father of the petitioner was made permanent. As the father of the petitioner was in permanent service of the respondent, the scheme of compassionate appointment is applicable to the petitioner.

2. The learned counsel further submits that though the application was rejected in the year – 2008, the petitioner was continuously representing with the respondent. However subsequently as the respondent did not respond the petitioner eventually filed the writ petition. The learned counsel also relies on the Judgment of the Division Bench of this court in Writ Petition No. 1430 of 2011 dated 16.10.2012. The learned counsel further submits that even the pensionary benefits are being released. This also shows that the father of the petitioner was a permanent employee.

3. We have also heard the learned Additional Government Pleader.

4. The very purpose and object of compassionate appointment

is to provide immediate succour to the family of the deceased dying in harness. The very purpose of compassionate appointment would not survive after long slumber of sixteen years.

5. Even otherwise, claim of the petitioner was rejected in the year - 2008 and the petition is thereafter filed in the year – 2013.

6. It appears that the post on which the father of the petitioner was working was subsequently after his death made permanent. However that itself cannot be the ground to give the benefit. The long lapse of time would be a relevant consideration, so also, though the claim was rejected in the year - 2008 no steps were taken by the petitioner to assail the same for five years and after lapse of five years the petition was filed seeking appointment on compassionate ground. Considering all the relevant facts cumulatively, we are not inclined to consider the petition.

7. In the light of that, writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

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[S. V. GANGAPURWALA, J.]