

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

WRIT PETITION NO. 4566 OF 2017

Sunia Shaikh Gulam Dastgir .. Petitioner

Versus

The Commissioner Municipal Corporation
and another ..
Respondents

Shri. S. T. Shelke, Advocate for Petitioner.

Shri. A. V. Deshmukh, A.G.P. for Respondent/State.

Shri P. R. Patil, Advocate for Respondent Nos. 1 and 2.

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

DATED : 04th June, 2018

PER COURT:

. The petitioner seeks appointment on compassionate ground in place of his mother who had expired while in service with Respondent Nos. 1 and 2.

2. It is the contention of Mr. S.T. Shelke, learned counsel for the petitioner that within the stipulated period the petitioner had applied for appointment on compassionate ground. The said application is not being considered. The petitioner has the educational qualification of H.S.C. D.Ed. and has also passed Teachers Eligibility Test (TET). According to the learned counsel, the father of the petitioner is residing with his first wife with whom he has three daughters and two sons. The mother of the petitioner was the second wife of father. Even the petitioner had filed petition before the Chief Judicial Magistrate for maintenance. In the said matter, compromise has been arrived and the pension amount is retained by the father. Whereas, the petitioner is given the part of the gratuity, provident fund and the part of the immovable property. The learned counsel relies on the Government Resolution dated 31.12.2002.

3. Mr. Patil, learned counsel for the respondents submits that the petitioner is also receiving the pension amount, the father of the petitioner is receiving the pension amount. The petitioner's father is getting pension of Rs. 20,496/- and the mother's pension is Rs. 24,615/-. The large amount of gratuity and provident fund has also been received. The scheme of appointment on compassionate ground would not apply after such a long period.

4. It is for the authority to consider the financial status. The authority shall have to consider the Government Resolution dated 31.12.2002 and arrive at the conclusion. The petitioner is at liberty to place on record the various proceedings initiated by them against their father before the respondent. The respondent shall consider the application of the petitioner and all other documents filed by the petitioner and shall take decision upon the application of the petitioner for appointment on compassionate ground on its own merits and also consider the Government Resolution dated 31.12.2002 and other applicable Government Resolutions. The application shall be decided expeditiously and preferably within a period of four months. Writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]