

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

WRIT PETITION NO. 5313 OF 2017

Sabeeha Begum D/o Zamiroddin S/o.
Md. Yusufoddhin ... Petitioner

VERSUS

State of Maharashtra & Ors. ... Respondents

.....
Mr Sancheti, Advocate h/f Mr R. R. Mantri, Advocate for the
petitioner

Mr P. S. Patil, AGP for respondent/State
Mr Vivek Dhage, Advocate for respondent No. 3

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 19TH APRIL, 2018.

ORDER:

1. The petitioner claims appointment on compassionate ground in place of her father, who died while in service on 02.12.1994.

2. Mr Sancheti, the learned counsel for the petitioner submits that, the mother of the petitioner in January 1999 gave an application to the respondent to appoint either her sons or daughter

on compassionate ground in place of her husband. The application was not considered. Thereafter, on many occasions applications were given, however, the same were not considered.

3. The learned counsel submits that, even as per the Government Resolution dt. 26.10.1994, the application for compassionate appointment has to be given within five years. The mother of the petitioner had given application within five years seeking appointment on compassionate ground. The respondents were not considering the repeated applications given by the petitioner and her mother. Even the married daughter is entitled for appointment on compassionate ground. The learned counsel relies on the judgment in the case of Vijaya Ukarda Athor (Athawale) Versus State of Maharashtra & Ors. reported in 2015 (3) SCC 399.

4. Mr Dhage, the learned counsel for respondent No. 3 submits that, the application given by the mother of the petitioner on 04.10.2013 clearly states that, she has three sons and two daughters. All the three sons are in service and one daughter is married in well to do family and she is not in need of service and sought the appointment of the petitioner on compassionate ground. The learned counsel submits that, all brothers of the petitioner are earning

handsome income. The petitioner was not even qualified till the year 2007. It is in the year 2007, the petitioner got qualification of HSC i.e. after 15 years of death of her father. The mother of the petitioner is receiving pension.

5. We have considered the submissions. The policy to appoint a person on compassionate ground is with an object to provide immediate succor to the family of the deceased dying in harness. The father of the petitioner while in service died on 02.12.1994. The affidavit filed by the mother of the petitioner very clearly states that, she has three sons and two daughters and all the three sons are in service and one of the daughter is married in well to do family. The petitioner got married in the year 1999 and she is residing with her husband. The petitioner was not even qualified to be appointed for 15 years after the death of her father. The plea for appointment on compassionate ground cannot be considered after such a long slumber of 15 years. If the case of the petitioner is considered for appointment on compassionate ground after lapse of 15-20 years, the same would not be in conformity with the policy of the compassionate appointment. In a case of Vijay Athor (cited supra), applicant therein was unmarried when she had made an application for compassionate appointment. In the present case, three brothers

of the petitioner are earning and in service. The mother is receiving pension and the petitioner even got married in the year 1999. Till 2007, petitioner was not even qualified for appointment.

6. Considering the aforesaid aspects, the petition does not require any consideration. Hence, the writ petition stands dismissed.

No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde