

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

6 WRIT PETITION NO. 6972 OF 2016

HEMRAJ RAMKRIUSHNA NIKAM
VERSUS
THE UNION OF INDIA AND ANOTHER

...

Advocate for Petitioner : Mr. Bhavthankar Vivek
Vasantrao

AGP for Respondents nos. 1 and 2 : Mr. Deshpande
Sanjeev B.

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

DATE : JUNE 7, 2018

O R D E R :

The petitioner seeks appointment on
compassionate ground. The affidavit is filed by the
respondent. Para 6 of the affidavit reads thus : -

"6. In reply to contents of para
no.7, I deny that, the petitioner's
mother cannot be given compassionate
appointment as she has crossed 40 years
of age. I say that, the proposal of
petitioner's mother is under active
consideration of CGMT. As per the
scheme, wife of deceased employee is
preferred for compassionate appointment.
Unless and until wife of deceased
forgoes her claim on the ground of old
age or medical unfitness supported by

documentary proof issued by competent authority. Any other heir cannot be considered for compassionate appointment. I therefore, say and submit that, the petitioner cannot apply for compassionate appointment till his mother forgoes claim. I, therefore, say and submit that, there is no substance in petitioner's contention to consider him for compassionate appointment. "

2. It appears that the claim of the mother of the petitioner is not rejected as yet, but is still under active consideration of the respondent. It is further stated in the affidavit that unless and until the mother forgoes the claim, the petitioner cannot apply for compassionate ground. As on today, the claim of the mother for appointment on compassionate ground is under active consideration of the respondent as stated in the affidavit-in-reply. It is for the respondent to take decision upon it. It appears that same is pending since long time. The respondents may decide the same expeditiously. It is for the petitioner to take further steps if he wants to claim appointment on compassionate ground in tune

with the affidavit filed by the respondent.

3. Writ Petition is accordingly disposed of.

No costs.

[**SUNIL K.KOTWAL, J.**]

[**S.V.GANGAPURWALA, J.**]

dbm