

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 13272 OF 2018

Rajesh Vithalrao Belge .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri.G. N. Chincholkar, Advocate for Petitioner.

Shri. S. G. Karlekar, A.G.P. for Respondent/State.

CORAM : S.V. GANGAPURWALA AND

R. G. AVACHAT, JJ.

DATED : 03rd December, 2018

PER COURT:

. The present petitioner had approached the Maharashtra Administrative Tribunal as the claim of the petitioner for compassionate appointment is negated. The tribunal dismissed the original application. Aggrieved thereby the present petition.

2. Mr. Chincholkar, the learned counsel for the petitioner submits that the father of the petitioner was working as a Road Karkun (Marg lipik)

and he died while on duty on 25.04.1989. The learned counsel submits that the mother of the petitioner immediately applied for appointment on compassionate ground. Her name was kept in the wait list of the persons to be appointed on compassionate ground . Call letter was also issued to her but she was not appointed. In the year 2004 the mother of the petitioner filed an application to substitute the name of present petitioner in her place. In fact, the said application was considered. The Collector had also sought guidance from the State to consider the case of the petitioner's appointment as a special case. The State also had recommended in that regard. The petitioner time and again filed an application. However, the recommendations of the Collector and the State are not considered by the appointing authority. On 14.03.2013 the Executive Engineer communicated the petitioner that the name of the petitioner can not be considered. The learned counsel submits that there are cases wherein the name of the candidate has been substituted in the wait list of the persons to be appointed on compassionate ground. The petitioner is discriminated. The Tribunal has failed to consider the matter in its correct perspective. The petitioner is in need of the job. Right now he is doing petty labour work. The mother of the petitioner is also dependent upon the petitioner.

3. The learned A.G.P. supports the order.

4. The very purpose of appointment on compassionate ground is to provide immediate succor to the family of the deceased dying in harness. The father of the petitioner died in the year 1989. The purpose of compassionate appointment would not survive after twenty eight years. The mother of the petitioner had already applied for appointment on compassionate ground. Her name was also taken in the wait list. The call letter was also issued, however appointment was not given to the mother. Subsequently the mother had attained the maximum age limit. Her case could not be considered. An application was made for substituting the name of the petitioner in place of her mother. In the year 2004 almost fifteen years after the death of the father. The claim for compassionate appointment can not continue in perpetuity. The Tribunal had observed that there is no provision in the Government Resolution issued by the Government from time to time to enter the name of another legal heir in place of a legal heir whose name has been entered. The Government Resolution dated 21.09.2017 permits substitution of name only in the contingency of death of the person whose name was entered in the wait list.

5. The tribunal has not committed any error.

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

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

ass/wp 13272.18