

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

WRIT PETITION NO. 10640 OF 2016

**RAHUL KISHANRAO CHAUDANTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. U.R.Awate, Advocate for the petitioner
Mr. S.K.Tambe, AGP for the respondent/State.
Ms. Y.M.Kshirsagar, Advocate for respondent Nos.2 to 4.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 03.09.2018

P.C. :-

Mr. Awate, learned counsel submits that the father of the petitioner died in the year 1997 while in service with the respondent. Immediately the mother of the petitioner filed an application seeking appointment of the petitioner on compassionate ground. The claim was not considered. The learned counsel submits that the petitioner was directed to bring the Succession Certificate. The petitioner applied for the same. The matter was compromised between the half-brother of the petitioner and the petitioner. The half-brother of the petitioner, namely, Prithviraj was given the right to seek appointment on compassionate ground. The claim of his half-brother was rejected. The petitioner is entitled for appointment on compassionate ground as the petitioner is within the prescribed age.

2. Ms. Kshirsagar, learned counsel for the respondent submits that in the compromise the petitioner had given up the claim for appointment on compassionate

ground. Now the petitioner cannot again claim the same post.

3. We have considered the submissions. It is not disputed that the compromise had reached between the petitioner and his half-brother, wherein the petitioner agreed that the claim for compassionate appointment shall be made by the half-brother and the petitioner received the other benefits. The claim of the half-brother of the petitioner, namely, Prithviraj was negatived. He filed Writ Petition bearing No.4924 of 2012 before this Court. This Court under order dated 10.01.2013 dismissed the petition, observing that the sole bread winner had died in the year 1997 and the family could sustain the adversity for 15 years thereafter.

4. It is more than 21 years the father of the petitioner has died. The petitioner on his own volition had given up the claim seeking appointment on compassionate ground. The purpose of enacting the scheme for appointment of compassionate ground is to provide immediate succour to the family of the deceased.

5. Considering the aforesaid aspect of the matter, we are not inclined to accede to the request of the petitioner.

6. Writ Petition is accordingly disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V. GANGAPURWALA, J.]