

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1488 OF 2018

AMARDAS SHIVAJI KHANDARE
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

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Advocate for Petitioners : Shri Kolhe M N

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 07, 2018

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PER COURT :-

1. By this petition, filed by the son of the deceased employee, the order of the Industrial Court dated 25.5.2013, refusing to condone the delay of 16 years is sought to be challenged.

2. The petitioner's father was a Bus Conductor with the MSRTC, who passed away on 26.9.1995. The petitioner, born on 24.10.1989, was about 6 years of age at that time. A policy for compassionate appointment with the MSRTC is said to be in existence. The mother of the petitioner, who turned a widow, did not file any application for seeking compassionate appointment.

3. It is stated that the father of the petitioner was proposed with the punishment of dismissal from service, which was challenged in Complaint (ULP) No.33 of 1991. Initially, the proposed punishment was stayed as per the statement of the learned Advocate. During the pendency of the complaint, his father passed away and the petitioner

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and his mother prosecuted the complaint. By judgment dated 8.12.1997, the Labour Court dismissed the complaint. As such, the proposed punishment is virtually brought into effect notwithstanding the demise of the said employee.

4. The petitioner claims to have moved an application for compassionate appointment after becoming 18 years of age. He approached the Industrial Court after turning 22 years of age. As on date, it is 23 years from the date of the demise of his father.

5. In the light of the above fact situation, neither does the cause for seeking compassionate appointment survive after 23 years of the demise, nor could the petitioner be entitled for such appointment as the ULP Complaint, challenging the dismissal of his father has been dismissed, thereby sustaining the punishment.

6. This petition being devoid of merits, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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