

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

**WRIT PETITION NO.12513 OF 2018**  
**(Kamel Kashif Inamdar Vs. The State of Maharashtra and others)**

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Mr. Mahesh P. Kale, Advocate for the petitioner  
Mrs. M.A. Deshpande, Additional Govt. Pleader  
for the respondent/State

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**CORAM : S.V. GANGAPURWALA AND**  
**R.G. AVACHAT, JJ.**

**DATE : 26<sup>th</sup> NOVEMBER, 2018**

**ORDER :**

The petitioner had filed Original Application No.148 of 2016 before the Maharashtra Administrative Tribunal ("Tribunal", for short), seeking directions to the respondents to appoint him on compassionate ground and/or placing his name in the seniority list of the persons to be appointed on compassionate ground. The application for condonation of delay in filing Original Application is dismissed under the impugned order.

2. Mr. Kale, learned counsel for the petitioner submits that the father of the petitioner died on 21<sup>st</sup> May, 1997 while in service with the respondents. The

petitioner was then minor. Upon attaining the age of majority, immediately on or about 12<sup>th</sup> May, 2005, the petitioner applied for appointment on compassionate ground. No communication was made to the petitioner about the order being passed on the application of the petitioner. The petitioner, again in the year 2012, filed an application for appointment on compassionate ground. It is only in the year 2016 that the petitioner was communicated of the rejection of his application in the year 2006. The learned counsel submits that upon attaining the age of majority, within the prescribed period of limitation, the petitioner had submitted application seeking appointment on compassionate ground. As no order was communicated to the petitioner, the Tribunal ought to have considered the ground put forth for delay in filing the Original Application. The learned counsel further submits that the mother of the petitioner had separated from the father and the petitioner is also living separate from the mother.

3. Mrs. Deshpande, the learned Additional Govt. Pleader supports the impugned order and submits that the mother of the petitioner is in Government service. The Tribunal has considered all the aspects.

4. The object behind appointment on compassionate ground is to provide immediate succour to the family of the deceased dying in harness. The said cause would certainly not survive after 23 years. Moreover the mother of the petitioner is already in Government service.

5. Even if the contention of the petitioner is accepted that he was not communicated of the order passed in the year 2006, rejecting his application for appointment on compassionate ground, the same would suggest that the petitioner, at no material point of time, had taken care to make enquiry about the status of his application for all these years. The Tribunal has considered all the relevant aspects of the case and passed the impugned order. The Writ Petition is dismissed. No costs.

**[R.G. AVACHAT]**  
**JUDGE**

**[S.V. GANGAPURWALA]**  
**JUDGE**