

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13932 OF 2018

Sadhana Bhimrao Patil

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. Dipesh D. Pande, Advocate for the Petitioner.

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

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 17th DECEMBER, 2018

PER COURT :

1. The claim of the petitioner for appointment on compassionate ground is rejected. The petitioner approached the Maharashtra Administrative Tribunal. The Tribunal dismissed the Original Application, aggrieved thereby the present petition.

2. The learned Advocate for the petitioner submits that the father of the petitioner expired

in the year – 2003 while in service with respondent no. 3. According to the learned Advocate, the mother of the petitioner had on 31.01.2005 applied to the respondent for appointment on compassionate ground. The name of the mother of the petitioner was kept in the wait list of the persons to be appointed on compassionate ground. On or about 08.05.2008, the mother of the petitioner applied to substitute the name of the petitioner in the place of the mother. The name of the mother of the petitioner was removed from the wait list in the year – 2010 on the ground that mother of the petitioner has attained the maximum age limit. The learned Advocate submits that without notice to the mother of the petitioner, the application to substitute her name has been rejected. The same ought to have been considered. The learned Advocate relies on the judgment of this Court in Writ petition No. 7793 of 2009 dated 09.12.2009. The learned Advocate submits that at the time when the

application was made the petitioner was unmarried and now even the married daughter is entitled to seek appointment on compassionate ground.

3. The learned Assistant Government Pleader supports the judgment and submits that it is only in case of death of person in the wait list her name can be substituted, in no other contingency the same is permissible. The learned A.G.P. relies on the order passed in Writ Petition No. 13272 of 2018 dated 03.12.2018.

4. The facts narrated above are undisputed. It is not disputed that the name of the mother of the petitioner was taken up in the wait list of the persons to be appointed on compassionate ground, however, upon acquiring maximum age limit the name of the mother of the petitioner has been deleted.

5. It is also submitted that the petitioner is now married and lives with her husband who owns a cycle repairing shop.

6. Be that as it may, 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 – 2003. The purpose of compassionate appointment would not survive after fifteen years. The mother of the petitioner had already applied for appointment on compassionate ground. Her name was also taken in the wait list. 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. 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.

7. The tribunal has not committed any error.

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

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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