

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

WRIT PETITION NO. 1063 OF 2018

Gangadhar Maroti More

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mrs. M. A. Kulkarni, Advocate for the Petitioner.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 and 2.

Shri S. B. Pulkundwar, Advocate for the Respondent No. 3.

Shri S. N. Boiwar, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 22ND JANUARY, 2019.

FINAL ORDER :

. Mrs. Kulkarni, the learned advocate for the petitioner submits that, the communication dated 20.09.2017 by the respondent No. 3 thereby intimating the order dated 19.05.2017 passed by the respondent No. 2 is illegal and erroneous. The name of the respondent No. 4 was taken in the wait list of the persons for appointment on compassionate ground on account of death of the father of the petitioner namely Maroti More, who died while in service with Panchayat Samiti, Degloor. The learned counsel submits that, the petitioner is elder son of the deceased Maroti More. The respondent No. 4 without taking no

objection from the petitioner applied for appointment on compassionate ground and his name is entered in the wait list of persons to be appointed on compassionate ground. Same is illegal. The petitioner filed complaint with the respondent No. 2, but on the ground that there is no provision of substitution, the complaint is rejected. The name of the respondent No. 4 is illegally entered without no objection of the petitioner and his family members. Now family members and the respondent No. 4 have also given no objection for incorporating the name of the petitioner in the wait list of persons to be appointed on compassionate ground.

2. We have heard the learned counsel for the respondents.

3. The father of the petitioner died on 22.07.2012. It appears that, the respondent No. 4 immediately applied for appointment on compassionate ground being the son and his name is entered in the wait list of persons to be appointed on compassionate ground. The petitioner for five years did not take any steps, nor applied to the employer seeking appointment on compassionate ground and after a slumber of five years has taken objection to the name of the respondent No. 4. The purpose of appointment on compassionate ground is to provide immediate succor to the family of the deceased employee dying in harness. It is not pointed out that the petitioner could maintain the application

after five years.

4. Considering the above, we are not inclined to pass any orders in the present writ petition. The writ petition is disposed of. No costs.

5. If it is permissible, then the respondent No. 3/employer may take decision at his end.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19