

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

2 WRIT PETITION NO.3419 OF 2019

VIJAY ANAND SALVE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Awasarmol Rahul O.

AGP for Respondents State: Mr. A. R. Kale

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

DATE : 11th March, 2019

PER COURT :

1. The petitioner is seeking appointment on compassionate ground. Claim of the petitioner is negatived by the respondents. The petitioner filed Original application before the Maharashtra Administrative Tribunal. The Tribunal dismissed the original application. Aggrieved thereby, the present writ petition.

2. Mr. Awasarmol, learned Advocate for the petitioner submits that the father of the petitioner died on 06.07.2003. He was working as Constable in the establishment of the Respondents. On 05.11.2003, mother of the petitioner applied, seeking appointment on compassionate ground. The respondents did not

communicate anything to the mother of the petitioner. The mother of the petitioner crossed 45 years age in the year 2007. On attaining the age of majority, the petitioner applied, seeking appointment on compassionate ground. The said claim is erroneously rejected. The learned counsel for the petitioner submits that it cannot be said to be an inordinate delay. Even subsequent Government Resolution permits condonation of delay so also permits an application to be made within two years. All these aspects are not considered by the Tribunal while rejecting the original application. The Tribunal has taken a very hyper technical approach.

3. Learned A.G.P. supports the order of the Tribunal.

4. The purpose of giving employment on compassionate ground is to provide immediate succor to the family of the deceased who died in harness. After sixteen years, it cannot be said that purpose of compassionate appointment would still subsist. Moreover, upon death of the father of the petitioner,

the mother of the petitioner applied for appointment on compassionate ground. She crossed 45 years of age in 2007 and she was not given any appointment order. The petitioner attained the age of majority on 10.04.2008. The petitioner did not file any application for appointment on compassionate ground within one year. However, he filed application for appointment on compassionate ground, delayed by six months. After one year, the petitioner was issued with communication about rejection of his application on 17.12.2012. The original application was filed in the year 2017 i.e. after lapse of five years.

5. Considering the aforesaid conspectus, the Tribunal has not committed any error in rejecting the original application. Writ petition, as such, is dismissed. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC