

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

WRIT PETITION NO. 3949 OF 2018

Nilesh Sitaram Sonawane and another .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Ravindra M. Deshmukh, Advocate for Petitioners.
Shri D. G. Nagode, Advocate for the Respondent No. 1.
Shri Chaitanya V. Dharurkar, Advocate for Respondent Nos. 2 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.
DATE : 08TH APRIL, 2019.**

FINAL ORDER :

. The petitioner No. 1 seeks employment on compassionate ground.

2. Mr. Deshmukh, the learned counsel for petitioners submits that, the petitioner No. 2 was permanent employee of the respondent Nos. 2 to 5 bank. The petitioner No. 2 was incapacitated due to accident. The respondents orally asked the petitioner No. 2 to submit a voluntary retirement application. Accordingly the petitioner No. 2 submitted voluntary retirement application on 30th January, 2017. At the time when the

accident took place, the petitioner No. 2 had not crossed the age of 55 years. So the petitioner No. 1 is entitled to be appointed on compassionate ground as per the scheme under circular dated 18.02.2016.

3. Mr. Dharurkar, the learned advocate for the bank submitted that, the petitioner No. 2 had applied for voluntary retirement on 30th January, 2018. He has crossed 55 years of age. The scheme for compassionate appointment would not be applicable to the petitioner No. 1.

4. The appointment on compassionate ground is not a right. It depends upon the scheme made applicable by the institution. The scheme applicable to the parties is under circular dated 18.02.2018 (page 21). It says that the scheme for appointment on compassionate ground for payment of ex-gratia financial relief as detailed in following paras will be applicable to a dependent family member of a permanent employee of the bank who, dies while in service, is retired on medical ground due to incapacitation before reaching age of 55 years.

5. In the present case, the petitioner No. 2 submitted the application for voluntary retirement. Admittedly on the said date, the petitioner No. 2 had crossed 55 years of age. In view of that, the petitioner No. 2 would have been paid salary till

that day.

6. In view of the above claim of the petitioner No. 1 for appointment on compassionate ground would not be in consonance with the scheme.

7. In the light of the above, the writ petition is disposed of.
No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 19