

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

WRIT PETITION NO. 7172 OF 2018

Vishal Narayan Tupkar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri. S. R. Kolhare, Advocate for Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA
A. M. DHAVAL, JJ.**

DATED : 16th January, 2019

PER COURT:

. Issue notice to respondents. The learned A.G.P. accepts notice for Respondent Nos. 1 and 2.

2. Mr. Kolhare, the learned counsel submits that the father of the petitioner died on 14.06.2009 while in service with Respondent No. 3. The mother of the petitioner applied for appointment on compassionate ground on 03.10.2009. The application was not decided by respondents for long time. On 04.07.2014 mother of the petitioner was given appointment order but on medical ground she could not join. Thereafter, the mother gave an application for substituting the name of the present petitioner for

appointment on compassionate ground after attaining the age of majority. However, the respondents have erroneously negated the claim. The learned counsel submits that the purpose of compassionate appointment is to provide relief and livelihood to the family of the deceased employee who died in harness. The respondents have taken very hyper technical approach.

3. It is a fact that mother of the petitioner was given appointment order thereby appointing her on compassionate ground. She did not accept the appointment order on medical ground as contended by the petitioner. Once the appointment order was already issued in favour of the mother of the petitioner on compassionate ground on account of the death of the father of the petitioner and the mother having refused the appointment order it would not be open now for the petitioner to claim appointment. Even there is no provision for substitution of the name of a person to be appointed on compassionate ground except on account of the death of the person in the list to be appointed on compassionate ground.

4. The respondents have not committed any error while passing the impugned order. Writ petition as such is dismissed. No costs.

[A. M. DHAVALA, J.]

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[S. V. GANGAPURWALA, J.]

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