

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

901 WRIT PETITION NO.5939 OF 2019

RAGHUNATH BHAGWANRAO SHINDE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sudarshan J. Salunke, Advocate for the
Petitioner.

Mr. A. B. Girase with Mr. S. B. Yawalkar, AGP for
Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 04th JUNE, 2019.

PER COURT:-

1. Mr. Salunke, learned counsel for the petitioner submits that the application of the petitioner for appointment on compassionate ground has been rejected on the basis of the Government Resolution dated 22.08.2005. The said Government Resolution is not inconsonance with the policy of giving appointment on compassionate ground. The policy to give appointment on compassionate ground is introduced so as to provide employment opportunity to one of the family member of the person who was in service and because of his inability to serve, the family should not be left in lurch. According to the learned counsel, the Government Resolution dis-entitling the legal heirs

of a person who has retired on ground of ailment is erroneous and does not have rational nexus with the object in view.

2. Mr. Yawalkar, learned A.G.P. supports the Government Resolution and submits that the policy of appointment on compassionate ground has been initiated so that the family of the person who has met with untimely death does not suffer from financial crisis.

3. We have considered the submissions and we have also gone through the Government Resolution.

4. The policy for appointment on compassionate ground has been introduced so as to provide immediate succor to the family of the deceased dying in harness during service. In fact, the scheme for appointment on compassionate ground is not supported by the Statutory provision, but it is beneficial policy meant for appointment of the ward/heirs of person who has died in harness during the service. In fact, the appointment on compassionate ground is an exception to the general rule that the appointments in public employment are to be made through open competition. We do not find any irrationality in the introduction of the said policy. The person who has retired on medical ground certainly is entitled for pension and other benefits and he is also the part of the family.

5. It cannot be said that the Government Resolution dated 22.08.2005 suffers from vice of arbitrariness. More over, the said policy is in force since the year 2005. No rational reason is pointed out to unsettle the said policy after a long slumber and more particularly, when the same is in force for almost 15 years.

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

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE