

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

27. WRIT PETITION NO.10801 OF 2018

Somnath Sambhaji Chitte

...Petitioner

VERSUS

The State of Maharashtra and another

...Respondents

Mr. Santosh S. Jadhawar, Advocate for petitioner
Mr. P.G. Borade, Asstt. Govt. Pleader for Respt.No.1/State
Mr. P.R. Tandale, Advocate for respondent No.2

CORAM : S.V. GANGAPURWALA

AND

AVINASH G. GHAROTE, JJ.

DATE : 27th November, 2019

PER COURT :

1. The petitioner seeks appointment on compassionate ground. Mr. Jadhawar, learned Counsel for the petitioner submits that father of the petitioner was working as Hand Pump Assistant-Operator. He died in the year 2012. The petitioner is seeking appointment on compassionate ground. The Service Rules are made applicable for Hand Pump Operator also with retrospective effect.

2. Mr. Tandale, learned Counsel for respondent No.2, submits

that the petitioner being a married son having three children born after the cut off date, does not come within the meaning of 'small family'. The post is supernumerary post and the married son is also not entitled to be considered for appointment on compassionate ground under the scheme.

3. Once it is said that the Service Rules are made applicable to the post of Hand Pump Operator, then all requirements under the Service Rules have to be applied. Considering the fact that the petitioner does not come under the definition of 'small family', the petitioner may not be entitled for the relief claimed. Moreover, seven years have lapsed since the date of death of father of the petitioner. On all such grounds, we are not inclined to grant the relief as claimed and the petition is fit to be dismissed.

4. The writ petition is accordingly dismissed. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE