

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

WRIT PETITION NO. 12160 OF 2018

**KALPANA VILASRAO KHARATE
VERSUS
THE ZILLA PARISHAD PARBHANI**

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Advocate for Petitioner : Mr. Kadam Vishant P.

Advocate for Respondent / Sole :

Mr. V. V. Bhavthankar

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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 18th DECEMBER, 2019

PER COURT:

1. Mr. Kadam, learned counsel for the petitioner submits that the father of the petitioner died in the year 2005. The mother of the petitioner had applied for appointment on compassionate ground. The claim of the mother of the petitioner was rejected in the year 2012. The petitioner applied in the year 2015. The learned counsel submits that as per the Government Resolution dated 26.02.2013 the married daughter is also entitled for appointment on compassionate ground. The said

Government Resolution is cancelled in the year 2016 and the married daughter is now to be treated at par with the sons.

2. The learned counsel submits that the children from the second wife would not be entitled for appointment on compassionate ground.

3. Mr. Bhavthankar, learned counsel submits that the at the relevant time no scheme existed for appointing the married daughter on compassionate ground. The Government Resolution of the year 2013 would not apply retrospectively. The claim of the mother of the petitioner is also considered and rejected.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. The petitioner is a married daughter. The husband of the petitioner is in service with the Zilla Parishad. The father of the petitioner died in the year 2005 and immediately the mother of the petitioner had applied for appointment on compassionate ground. The claim of the mother of

the petitioner is rejected in the year 2012. The married daughter was given right to apply under the Government Resolution of the year 2016. Now, under the Government Resolution dated 17.11.2016, the Government Resolution dated 26.02.2013 is cancelled and one eligible candidate is entitled to appointment. In the said categories, married daughter is also included.

6. The purpose of appointment on compassionate ground is to provide immediate succour to the family of the deceased dying in harness. The father of the petitioner died in the year 2005. Admittedly, the petitioner did not apply for appointment on compassionate ground immediately. The mother of the petitioner had applied. The said claim of the mother of the petitioner is rejected in the year 2012 and thereafter the petitioner had applied for the first time in the year 2015. The purpose of compassionate appointment can not remain in perpetuity. The mother of the petitioner did not challenge the rejection of her claim.

7. It also needs to be considered that the petitioner is residing with her husband and the husband is also employed with the Zilla Parishad.

8. Taking all the aforesaid facts cumulatively, the relief for compassionate appointment cannot be given to the petitioner.

9. In view of that, writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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