

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

127 WRIT PETITION NO.269 OF 2019

**TUSHAR RANGNATH SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr Jadhav N. L.
AGP for Respondents State: Mr P G Borade
Advocate for Respondents No.3 : Mr Amol Kakade h/for
Mr K L More

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATE : 4th September, 2019

ORDER:

1. Mr Jadhav, learned Advocate for the petitioner submits that father of the petitioner died in the year 2005. Initially brother of the petitioner was included in the list of persons to be appointed on compassionate ground. The brother of the petitioner got appointment through direct recruitment in the year 2008. He is not maintaining the petitioner and the family. The petitioner is entitled for appointment on compassionate ground. The learned counsel refers to the Government Resolution dated 26.10.1994 more particularly clause 7(b) of the resolution. The learned counsel also relies on the judgment of this Court in Writ petition No.7056/2007 dated 12th March, 2008.

2. Mr Kakade, the learned counsel for respondent No.3 submits that the brother of the petitioner is already in employment and the decision is rightly taken.

3. The very purpose and object of appointment on compassionate ground is to provide immediate succor to the family of the deceased dying in harness. The father of the petitioner died in the year 2005. Initially, brother of the petitioner applied for appointment on compassionate ground. His name was taken in the list of the persons to be appointed on compassionate ground. The brother of the petitioner got employment in the Zilla Parishad in the year 2008 though by direct recruitment. It is not the case that the brother of the petitioner was already in employment and residing separately with the father at the time of death of the father.

4. In case of writ petition No.7056/2007, brother was in Government service at the time of death of the father and was serving in another district. Moreover the purpose of compassionate appointment would not subsist after 14 years. The petitioner also made application for appointment on compassionate for the first time in the

year 2011, even according to the petitioner i.e. after lapse of six years.

5. On all the aforesaid counts, the claim of the petitioner cannot be accepted. Writ petition is disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC