

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3674 OF 2018

Deepak Dattaram Kadam.

..Petitioner.

Versus

The Municipal Corporation for
Greater Mumbai and Others.

..Respondents.

Mr. S. D. Tandel for the Petitioner.

Mr. Sagar Patil for MCGM.

Mr. H. Takke, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 12, 2019.**

P. C. :

1. Heard the learned counsel for the respective parties. By this petition, the Petitioner is seeking direction to the Respondent-Corporation to appoint him in its employment. The petition is based on the policy formulated by the Respondent-Corporation on 6th January 1997. It is true that under the said policy, the Petitioner was entitled for appointment in the Respondent-Corporation being son of the ex-employee of Respondent-Corporation. His name was included in the select list prepared in the year 1995. However, for one reason or the other, the Petitioner was not appointed in place of his father.

2. The 1997 policy referred to above, however, was subsequently revised and same was superseded by fresh policy issued

on 4th April 2000. This 2000 policy is upheld by the Division Bench of this Court in *Sunil Laxman Kamble v. MCGM* [Original Side Writ Petition No.831 of 2015 vide judgment dated 21st June 2016]. Under the policy of 2000, a person is entitled for compassionate appointment only in the contingency mentioned in paragraph 1 of the said policy. Under paragraph 1 of the said policy of 2000, if the employee of Respondent-Corporation dies while in service or is declared medically unfit, in that case only compassionate appointment to his legal heir can be granted. Admittedly, the Petitioner does not fit in this category. Be that as it may, the Petitioner has approached this Court in the year 2018. The Petitioner therefore is guilty of delay and laches, especially when this delay is not explained in the writ petition.

3. Taking totality of the facts and circumstances of the case into consideration, we are not inclined to exercise our jurisdiction in the present matter under Article 226 of the Constitution of India. Writ Petition is accordingly dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]