

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

WRIT PETITION NO. 40 OF 2019

Poonam Ratanlal Pardeshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pramod C. Mayure, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri Vivek V. Bhavthankar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 06TH FEBRURY 2020.

FINAL ORDER :

. Mr. Mayure, the learned counsel for the petitioner submits that, application of the petitioner for appointment on compassionate ground is not entertained. Earlier the name of the petitioner was kept in the list of persons to be appointed on compassionate ground. However, in the year 2012 an endorsement is made that, claim is rejected. Same is based on Government Resolutions dated 26.10.1994 and 22.08.2005. According to the learned counsel earlier Government Resolution dated 06th October, 1989 is providing for the appointment on compassionate ground to the wards whose parents had gone missing. The learned counsel submits that, 1994 Government Resolution only provides for procedure. Missing persons would

be on par with dead persons.

2. We have also heard Mr. Bhavthankar, the learned counsel for the respondent No. 3 and the learned Assistant Government Pleader for respondents/State.

3. The appointment on compassionate ground is not a right. Same is regulated by the Government instructions issued from time to time under Article 162 of the Constitution of India. Government Resolution dated 26th October, 1994 contains a recital that all earlier Government Resolutions stand superseded. In the Government Resolution dated 26th October, 1994, the wards of the persons died during service or retiring on medical ground because of T. B., Cancer, paralysis and such other serious ailments, so also those who have become mentally or physically handicap and not in a position to perform the services are allowed to apply for appointment on compassionate ground. The category of missing persons has been excluded.

4. As the missing persons are excluded from the category of persons whose wards are entitled for appointment on compassionate ground, the petitioner cannot claim any right to get employment on compassionate ground. Moreover, the contention of the petitioner is that, his father is missing since 2003. The purpose of compassionate appointment is to provide immediate succor to the family of deceased. The application is made after lapse of more than ten years.

5. In the light of the above, no relief can be granted to the petitioner. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Feb. 20