

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7170 OF 2018

SATISH BALASAHEB GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.R.R.Karpe, Advocate for the petitioner.
Mr.S.B.Yawalkar, AGP for State.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : DECEMBER 16, 2021

PER COURT :

1. By this petition, the petitioner has put forth prayer clause B & C, which read as under :-

"B. Issue writ of certiorari or any other appropriate writ in the like nature, thereby kindly quash and set aside the impugned communication dated 06/05/2017 issued by the respondent No.2 - Superintendent, Nashik as well as earlier communication dated 21.02.2009 issued by the respondent No.4 - Executive Engineer, Sangamner to the respondent No.3.

C. Issue writ of mandamus or any other appropriate writ in the like nature, thereby kindly direct the respondent authorities to consider the application / proposal dated 07.02.2009 of the petitioner for appointment on compassionate ground and consequentially the

appointment letter / order may kindly be directed to be issued."

2. The petitioner was born on 18.11.1989. His father was working as a "Chaukidar" with respondent No.5 / Sub Divisional Engineer, Irrigation Department, Shrirampur. On 28/06/2000, he passed away while in service when the petitioner was around 11 years old. The petitioner became an adult on 18/11/2007. An application for seeking compassionate appointment was to be filed within one year from the date of attaining adulthood. He filed such application on 07/02/2009. It is 21 years and 6 months post the death of his father. He has recently got married. Granting compassionate appointment after 21 years, would not be practicable. Therefore, we expressed our disinclination.

3. The learned Advocate for the petitioner submits that, probably, there is a Government Resolution introduced by the State of Maharashtra, which permits the Department to condone the delay upto 2 years and the petitioner prays that the Department may consider his case sympathetically.

4. In view of the above, this petition is disposed off.

5. We leave it to the respondents to deal with the request of the petitioner, as may be permissible in Law, within a period of 6 months from today. We have not expressed any view on such request.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)