

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

WRIT PETITION NO. 681 OF 2021

Aparna Digambar Swami

... Petitioner.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. Hanumant P. Jadhav, Advocate for the Petitioner.

Ms. P.V. Diggikar, A.G.P. for Respondent No.1.

Mr. S.B. Pulkundear, Advocate for Respondent No.2.

....

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

DATE : 15th JANUARY, 2021

PER COURT:-

1. Mr. Pulkundwar, learned counsel appears for respondent No.2.

Learned AGP accepts notice for respondent No.1.

2. Mr. Jadhav, learned counsel for the petitioner submits that the reasons given by the authority for rejecting the application of the petitioner for appointment on compassionate ground are erroneous. The same is against the Government Resolution dated 20.05.2015. The learned counsel submits that the father of the petitioner died

while in service in the year 1988. The mother of the petitioner gave application that the petitioner be appointed upon attaining the age of majority. The said application was not considered. As such, the petitioner gave an application for appointment on compassionate ground on 23.09.2019. The said application is rejected on the ground that there is a delay of 16 years 6 months and 4 days in filing the application. The same is erroneous. As per the Government Resolution dated 20.05.2015, the application is to be given within one year from the date, the legal heir of the deceased employee attains the age of majority and delay can also be condoned upto two years. There was a slight delay. The application was filed within two years, the delay ought to have been condoned. The stand taken by the authority for such technical view is not acceptable.

3. We have heard Mr. Jadhav, learned counsel for the petitioner, Ms. Diggikar, learned AGP and Mr. Pulkundwar, learned counsel for Respondent No.2.

4. The object of the appointment on compassionate ground is to provide immediate succour to the family of the deceased dying in harness. The appointment on compassionate is not pursuant to the any statutory right to the person. The policy on the date when the

father of the petitioner died shall have to be considered. The Government Resolution dated 20.05.2015 was not in force. Even if, it is assumed that the petitioner would get the benefit of Government Resolution dated 20.05.2015, still the application was filed almost 3-4 years after the petitioner attaining the age of majority. The purpose of appointment on compassionate ground certainly would not survive 22 years after the death of the deceased father of the petitioner.

5. Considering the above, no interference is called for. The writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane