

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

1004 WRIT PETITION NO.10275 OF 2019

UMESH NANDLAL PATIL

VERSUS

UNION OF INDIA THROUGH ITS MINISTRY OF HOME
AFFAIRS AND OTHERS

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Advocate for Petitioner: Mr. Gaikwad Pramod S

Advocate for Respondents:

Mr. S. G. Karlekar

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CORAM: S. V. GANGAPURWALA &

R. N. LADDHA, JJ.

DATE: 06th AUGUST, 2021

PER COURT:

1. The claim of the petitioner for compassionate appointment is negatived.

2. Mr. Gaikwad, learned Counsel for the petitioner submits that father of the petitioner namely Nandlal N. Patil was in employment of the respondent. He died while in service in the year-1996. The petitioner was 9 months old at the time of demise of his father. Two months later the mother also died. The petitioner was orphan. The uncle of the petitioner took upon guardianship of the petitioner. The petitioner become major in the

year-2014. The petitioner was not aware about his rights to apply for compassionate appointment. After getting the knowledge of his right the petitioner applied for compassionate appointment in the year-2018. The same is rejected on the ground that the application is filed after delay of 4 years. The learned Counsel submits that the authorities ought to have taken into consideration the predicament of the petitioner. The petitioner does not have any source of livelihood, the petitioner was unemployed, all these factors ought to have been considered. The pension is also not released. It is only after filing of the petition, the steps are taken to move the pension proposal, as yet the same is not finalised. The learned Counsel submits that the petitioner is entitled for appointment on compassionate ground.

3. Mr. Deve, learned Counsel for the respondents submits that for 25 years the petitioner has survived without aid of compassionate appointment. There was delay of 4 years in making the application and the authorities have considered

all the aspects. The petitioner owns 2.78 Acre of land in his own name. The retiral benefits were released immediately after death of father of the petitioner. The pension proposal is also being considered sympathetically by the Authorities and that is why even after 25 years process of pension has been undertaken.

4. We have considered the submissions canvassed by the learned Counsel for the parties.

5. The purpose of compassionate appointment is to provide immediate succour to the family of the deceased dying in harness. The father of the petitioner committed suicide in the year-1996, twenty five years have lapsed. Thereafter the petitioner for the first time made an application for compassionate appointment in the year-2018. It is fact that the petitioner and his family has survived without compassionate appointment for 25 years.

6. The compassionate appointment is not a right vested in an employee. All other attending facts and circumstances are required to be considered. The authority has considered all these aspects and has rightly passed the order. It would not be appropriate to consider the claim now after 25 years.

7. The pension proposal is being processed by the respondent as per the affidavit filed by the respondent. We would add that the said process be completed expeditiously, preferably within three (3) months.

8. With these observations, writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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