

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2020 OF 2021

Narendra Janardhan Salve,
Aged 44 years, Occ. Nil,
R/o Ward No.2,
Bhim Nagar, Buldhana,
Tahil and Dist. Buldhana.

... PETITIONER

Versus

1. State of Maharashtra,
Through Secretary, Department
Of Rural Development and Panchayat Raj,
Mantralaya, Mumbai-32.
2. Chief Executive Officer,
Zilla Parishad, Buldhana.
3. Deputy Chief Executive Officer,
General Administration,
Zilla Parishad, Buldhana.
4. Sub Divisional Officer,
Sub-Division (Construction),
Zilla Parishad Buldhana.

... RESPONDENTS

Shri Sunil U. Bhuyar, Advocate for the petitioner.
Shri N.R.Patil, AGP for respondent no.1.

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**CORAM : SUNIL B. SHUKRE &
ANIL S. KILOR, JJ**
DATE : JUNE 18, 2021.

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J.)

1. Heard Shri Bhuyar, learned counsel for the petitioner and Shri N.R. Patil, learned AGP for respondent no.1.
2. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel appearing for the parties.
3. This petition seeks a direction to respondent no.2, specifically Chief Executive Officer, Zilla Parishad, Buldhana for appointing the petitioner to the post of Peon on compassionate basis with effect from 1st March, 2005.
4. It is the case of the petitioner that his mother Sulochana was working as 'Mail Major' on the establishment of the respondents and she was confirmed in service in the year 1994. The petitioner submits that his mother died in harness on 14th February, 2005 and thereafter, as the petitioner was dependent on his mother, the petitioner immediately on 15th May 2005, made an application for considering his appointment on compassionate basis in place of his mother. His application has not yet been decided so far by the respondents and, therefore, now the petitioner is before this Court.
5. The admitted facts, which emerge from the contentions of the petitioner, are that the mother of the petitioner died in harness on 14th February 2005 and about three months thereafter

i.e. 15.5.2005, the petitioner made his claim for seeking his compassionate appointment on the establishment of the respondents in place of his mother. Unfortunately, such claim of the petitioner was not immediately granted and now, it appears that it is still pending. Such long passage of time, going by settled law, would disentitle the petitioner for now claiming his appointment on compassionate appointment which is to enable the dependent family members of deceased Government employee from tiding over financial crisis that they may find themselves in upon sudden demise of the sole bread earner of their family. The object is to prevent family from being torn asunder by the cruel forces of time. When a member of the family, on whom all the members of the family, are dependent suddenly dies, the possibility of the other family members finding it difficult to earn their living is always there and the whole family may be led to despondency. In order to help such a family in dire straits that the Government has framed policy of making appointments on compassionate grounds in place of the deceased member of a family on whom the other members of the family were dependent. Such purpose of and such object behind the compassionate appointments would make it necessary that the claim of the dependent family member is decided as soon as possible and as far as possible, appointment is given to such a

claimant. If this is not done and the claimant manages to survive for a long time, facing the ravages of the time, it would be a reasonable indicator of the fact that the claimant is no longer in financial difficulties and any other physical discomforts and is able to stand on his own legs.

6. In the present case, the petitioner has undoubtedly and successfully faced the difficult times and has got over them and so does not appear to be a person eminently suited for grant of compassionate appointment. Our such conclusion is further boosted by a document filed on record by the petitioner himself. At Page no.22 of the petition, there is a copy of the Succession Certificate granted in favour of the father of the petitioner, the petitioner and his three sisters. In this Certificate dated 16.3.2007, issued by the Civil Judge, Senior Division, Buldhana in Succession Case No.24 of 2006, father of the petitioner, Janardhan Kisan Salve has been shown as Pensioner. So, this is not a case wherein absent compassionate appointment, the petitioner and his family would come on the streets.

7. There is yet another aspect which needs consideration by this Court. This petition filed in the year 2021, shows the age of the petitioner in the year 2021 as 44 years. So, in the year 2005,

when the mother of the petitioner passed away, the petitioner must have been about 29 years of age. At the age of 29 years, no able bodied person like the petitioner would remain idle and would chose his own course and own journey in life, so as to be able to earn his livelihood and stand on his own feet. This would be an inference to draw ordinarily, and we do so here. The petitioner then would have to make out an exceptional case by showing that he had continuously tried hard to secure some job or employment, but could not succeed till as late as the stage when he attained 29 years of age. But, he has not done so. So, it is also doubtful that in the year 2005 itself, the petitioner could be reasonably said to have been clearly and fully dependent upon the income of his mother.

8. In the circumstances, we are not inclined to entertain this petition. The cause of action tried to be shown in this petition does not survive due to long passage of time. The petition is, therefore, summarily dismissed. No costs.

Rule is discharged. No costs.

(ANIL S. KILOR, J)

(SUNIL B. SHUKRE, J)

