

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

51 WRIT PETITION NO.82 OF 2017

PUSHPABAI VITTHAL WARKAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Andhale Sandip R.
AGP for the respondent – State : Mr. K.N. Lokhande
Advocate for the respondents no. 1 and 2 : Mr. Sachin Joshi
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 26 SEPTEMBER 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

By the present petition, the petitioner seeks compassionate appointment. The request is rejected by communication dated 21-01-2015 citing the reason that as per the Government Resolution dated 28-03-2001, the employees having 3rd child after 31-12-2001 would not be eligible for grant of compassionate appointment.

2. Mr. Andhale, learned advocate appearing for the petitioner relies upon the Government Resolution dated 22-08-2005, to contend that the same was issued towards revision of the earlier Government Resolution dated 28-03-2001 and that in the revised Government Resolution dated 22-08-2005, there is no specific prohibition on

consideration of case for compassionate appointment if the deceased has 3rd child after the cut-off date.

3. However, after going through the Government Resolution dated 22-08-2005, we find that under paragraph no. 3, it has been specifically directed that except the revisions effected by the Government Resolution, other terms and conditions of all the Government Resolutions would continue to apply. Therefore, it cannot be stated that by issuance of Government Resolution dated 22-08-2005, the Government has, in any manner, deleted the relevant condition in the Government Resolution dated 28-03-2001. The Government Resolution clearly keeps employees having third child after the cut-off date out of the ambit of compassionate appointment scheme.

4. Consequently, we do not find any merit in the petition. The same is dismissed without any order as to costs.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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