

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

WRIT PETITION NO. 8825 OF 2021

Maya Pralhad Thathe @
Maya Nandu Savant

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Ashraf Patel, Advocate h/f Smt. Asha D. Rakh, Advocate for
the Petitioner.

Shri K. N. Lokhande, A.G.P. for the Respondent No. 1.

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

DATE : 29.07.2022.

FINAL ORDER (Per Sandeep V. Marne, J.) :-

. By way of present petition, the petitioner is seeking compassionate appointment. Along with the petition, the petitioner has placed on record communication dated 04.02.2021, by which the respondent No. 2 has rejected the case of the petitioner for grant of compassionate appointment. Said communication dated 04.02.2021 makes reference to two earlier communications dated 03.01.2006 and 04.10.2007. The petitioner has not bothered to place the said communications dated 03.01.2006 and 04.10.2007 on record. It is by way of reply filed by the respondent No. 2 that the said communications dated 03.01.2006 and 04.10.2007 have been brought on record.

2. Mr. Patel learned advocate appearing on behalf of the petitioner contends that the reason for rejection of case of the petitioner for compassionate appointment is on account of the fact that the petitioner is married daughter. He places reliance on the judgment of the Karnataka High Court in the case of **Bhuvaneshwari V. Puranik Vs. State of Karnataka** reported in **(2021) 2 KCCR 1446**. He also places reliance on the order dated 17.12.2021 passed by the Supreme Court in the case of **The State of Karnataka and others Vs. C. N. Apporva Shree and another** in **Special Leave to Appeal (C) No. 20166 of 2021**.

3. No doubt in both the judgments a principle of law has been laid down that the married daughters cannot be excluded from the list of eligible persons for being considered for compassionate appointment.

4. However, the petitioner being married daughter is not the sole ground on which her case has been rejected for compassionate appointment. In the communication dated 04.02.2021, the respondent No. 2 has rejected the case also on the ground that the application for compassionate appointment was made after three years and two months.

5. There is another difficulty for the petitioner. The death of the employee occurred on 09.12.2001 and by now period of 21 long years has lapsed. When the issue of delay was put across to Mr. Patel, the learned counsel for the petitioner, he seeks to rely

upon the resolution passed by the Municipal Council, Parli (Vaijnath) in its meeting held on 03.03.2007 wherein it was resolved to consider the case of the petitioner for grant of compassionate appointment. However, even after the said resolution adopted on 03.03.2007, the Chief Officer of the respondent No. 2 once again rejected the case of the petitioner by communication dated 04.10.2007 both on the ground of delay in submitting application as well as the petitioner being a married daughter. Thus cause of action got created in favour of the petitioner firstly on 03.01.2006 and in any case on 04.10.2007, the petitioner however failed to take any proceedings in respect of said cause of action for 14 long years and has filed present petition only on 09.09.2021. In such circumstances, it cannot be said that a fresh cause of action has arisen in favour of the petitioner on 04.02.2021 when her case was rejected for the third time by the respondent No. 2.

6. The object of grant of compassionate appointment is to provide immediate financial assistance to the family of the deceased so that they can survive sudden loss of income. The said object is completely frustrated in the present case, both because the first application for compassionate appointment was made after three years and two months and also on account of the silence maintained by the petitioner for over 14 long years after her case was rejected on 03.01.2006 and 04.10.2007. Therefore, while agreeing with the principle laid down in the judgment of **Bhuvaneshwari** (supra), we do not find that this is a

fit case where the respondents should be once again called upon to consider the case of the petitioner for compassionate appointment when the family has been able to survive during last 21 long years.

7. We therefore do not find any reason to interfere with the decision taken by the respondent No. 2. Petition is devoid of any merit. Same is rejected without any order of the costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/July 22