

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

980 WRIT PETITION NO. 4179 OF 2016

SATYAKALAW BASAVESHWAR KUMBHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Pramod B. Gapat
AGP for Respondent Nos. 1 to 3 : Mr. P. S. Patil
Advocate for Respondent No. 4 : Mr. Santosh B. Gastgar

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 23rd FEBRUARY, 2022

PER COURT :-

1. The petitioner claims release of salary of her husband and monetary benefits, so also appointment on compassionate ground.
2. Mr. Gapat, learned counsel for the petitioner, on instructions, submits that during pendency of the writ petition monetary benefits to the extent of pension are disbursed, but arrears of salary of the husband are not paid. The learned counsel further submits that as per Government Resolution dated 23-10-2007, applicable to Ashram School, the appointment on compassionate ground has to be given in the Ashram School and if post is not vacant in the said Ashram School, the candidate has to be kept on wait list. The learned counsel further submits that the petitioner was given employment in another Ashram school. At the relevant time because of personal difficulty the petitioner could not accept the same.
3. Appointment on compassionate ground is not as of right. The purpose of appointment on compassionate ground is to provide immediate succour to the family of the deceased, dying in harness. The

husband of the petitioner died in the year 2001. The petitioner was offered employment on compassionate ground in different Ashram School. The petitioner on 04-04-2013 specifically communicated the said school that because of her domestic reason she cannot join the said school. After period of three years, she filed the present petition.

4. It is almost eleven years husband of the petitioner died. The petitioner is receiving pension. If at all there is need, the employee should have joined the Ashram School allotted to her, however, petitioner specifically refused. The petitioner could have sought transfer after joining it, even for the period of three years petitioner did not challenge the same.

5. In light of that, we are not inclined to consider the request of the petitioner after such slumber. If arrears of salary of husband of the petitioner are not paid as yet, the petitioner may approach respondent No. 2. It is for respondent No. 2 to consider grievance of the petitioner and say of respondent No. 4 and take decision on the claim of the petitioner regarding payment of arrears of salary of her husband on its own merits, in accordance with law, preferably within a period of four (04) months from the date of filing the application.

6. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE