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

932 CIVIL APPLICATION NO.9862 OF 2022
IN RAST/25716/2017 IN WP/2710/2016

**TUSHAR UPENDRA JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr M. G. Kolse Patil, Advocate for applicant;
Mr P. K. Lakhotiya, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 23rd September, 2022

PER COURT:

1. A delay of 3 days is caused in filing the present review application. Since the delay is extremely minor, the same is condoned. The civil application is allowed.
2. We called upon the learned Advocate for the petitioner to address the Court on the review application.
3. The contentions of the review applicant are as under :-
 - (a) The applicant is born on 01/11/1992. His mother, who was in service of the Principal District and Sessions Judges Court, Ahmednagar as a 'Junior clerk' since 1989, unfortunately passed away on 30/07/2003.

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(b) Her husband was admittedly in employment in a private company, namely Bajaj Auto Private Ltd.

(c) The application for compassionate appointment filed by the husband, was rejected as he was already in employment.

(d) The applicant, son of the deceased, made an application on 11/07/2008, when he was around 15 years and 8 months old. Naturally, his application was not entertained.

(e) On 31/10/2010, the review applicant became an adult (18 years of age).

(f) An application for compassionate appointment was filed after 3 years of attaining the age of 18 years.

(g) Rules 8 and 10 of the Bombay High Court Revised Guidelines for Appointment on Compassionate Ground, 2007, permitted an adult person, to make an application within 2 years, in order to seek employment on compassionate basis.

4. It is well settled in **Lily Thomas and others Vs. Union of India and others, (2000) 6 Supreme Court Cases 224**, that a review application would not permit the applicant to reopen the entire arguments, as if the writ petition/original proceedings are being re-argued.

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5. The contention of the review applicant is, that the Rules permit appointment on compassionate basis till a person attains the age of 45 years, and therefore, the application of the present applicant can be considered at any time, till he completes 45 years of age.

6. We find the said submission to be fallacious. The age limit of 45 years for seeking compassionate appointment, is not by way of a liberty to enable the candidate, to make an application at any time, until he becomes 45 years of age. It is the age limit, until which a person, eligible for compassionate appointment, subject to the Rules and the procedure, can be appointed.

7. The Rules prescribed that, an application can be filed after the demise of the bread earner, within a period of 2 years. The petitioner was a minor at the time of the death. He could be entitled to seek an employment only after attaining the age of 18 years, and therefore, the period of 2 years, can possibly be read from the date he attains adulthood.

8. We make it clear that, we are not interpreting the provisions of making an application within 2 years, in this case. The

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petitioner was 11 years of age when his mother died. We are only assuming that, the time period of 2 years for enabling the candidate to make an application for compassionate appointment upon being eligible, could be read as a period after he attains adulthood. If this issue crops up in any specific matter, we would deal with the same. For the present, the applicant had made an application after 3 years from attaining adulthood. This aspect has been dealt with by this Court (Coram : Dr. Manjula Chellur, C.J. and R. M. Borde, J.) in the Judgment dated 29/06/2017, in Writ Petition No.2710/2016 (Tushar Upendra Joshi Vs. State of Maharashtra and others).

9. This Court has concluded in paragraph 5 of the judgment sought to be reviewed, that the very purpose of granting compassionate appointment is, to ease out financial difficulties for the families, which includes the dependents of the deceased. In this backdrop, the review applicant is now 30 years of age and it is almost 19 years post the demise of his mother. Granting compassionate appointment after 2 decades of the demise of the bread earner, would not sub-serve the purpose of granting compassionate appointment.

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10. In view of the above, we do not find that the applicant has made out a case of an apparent error on the face of the order. This Review Application, being devoid of merits is, therefore, dismissed.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

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