

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

33 WRIT PETITION NO.5513 OF 2021

**KUMARKETAN BHAULAL PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. V.S.Panpatte
AGP for Respondent Nos. 1 to 3-State : Mr.A.S.Shinde
Advocate for Respondent Nos. 4 and 5 : Mr.Patil Indrale Anand V.

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

DATE : 29.08.2022.

PER COURT : (PER - SANDEEP V. MARNE, J.)

1. The petitioner's father was working as Junior Lecturer and died in harness on 21.12.2000. The petitioner's mother made an application for grant of compassionate appointment on 20.01.2011. This was followed by another application dated 23.09.2004. Both applications remained unresponded.

2. It appears that in the mean time, the petitioner attained majority and after a gap of about 3 years, the petitioner and his mother made an application dated 09.11.2007 for consideration of the case of the petitioner for grant of compassionate appointment. On non receipt of reply, another application dated 12.02.2009 was

made. Thereafter, there was a long gap of about 7 years during which the petitioner did not pursue his case for compassionate appointment. The representation was made directly on 10.12.2016 and thereafter some more applications seems to have been made. By now, the period of 22 long years have been elapsed from the death of the employee. In the recent judgment of the Apex Court in **Central Coalfields Limited Through its Chairman and Managing Director and Ors. Vs. Smt. Parden Oraon in Civil Appeal No. 879 of 2021** decided on 09.04.2021 and the Hon'ble Apex Court has held that.

“8. The whole object of granting compassionate appointment is to enable the family to tide over the sudden crises which arises due to death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crises that the job is offered to the eligible member of the family. It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over.”

3. Considering the objective behind grant of compassionate appointment, we do not think that it would be appropriate for us to

interfere in the matter, on account of passage of long gap of 22 years. We are, therefore, not inclined to entertain the present petition.

4. There are serious disputes between the parties, at least, in respect of three additional factors namely;

- a. Exact amount of gratuity, paid to the petitioner.
- b. The brother of the petitioner being in service,
- c. Applicability of scheme for compassionate appointment of the petitioner's father since was working on the post of Junior Lecturer.

However, since we are not inclined to entertain the present petition on account of long delay. Therefore, we do not wish to enter into the controversy in respect of the said three aspects.

5. In the result, we do not find any merit in the petition and the same is dismissed with no order as to the costs.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE