

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

946 WRIT PETITION NO.7951 OF 2021

**RANJIT LAXMAN KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr.G.J.Karne
AGP for Respondent Nos. 1 & 3 -State : Mrs. M.A.Deshpande
Advocate for Respondent No. 2 : Mr. Pulkundwar Santosh B.
Advocate for Respondent Nos. 4 & 5 : Mr.Kadam Vikram S.

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

DATE : 12.08.2022.

PER COURT : [PER - SANDEEP V. MARNE, J.]

1. By of present petition, the petitioner has prayed for deciding the applications dated 20.01.2015 and 24.03.2021. The petitioner has further prayed for grant of compassionate appointment to him.

2. During the course of submissions Mr. Karne, learned Advocate for the petitioner submitted before us that immediately upon the death petitioner's father on 09.05.2007, it was the mother of the petitioner who first applied for compassionate appointment. He further submitted that the application of the mother of the petitioner was not considered and no response was given. He further submitted that upon attaining the age of majority, the petitioner has filed an

application on 20.01.2015.

3. After perusal of the pleadings and documents attached with the petition, we find that the said submissions made across the bar are contrary to pleadings. We reproduce paragraph Nos. 2 and 3 of the petition as under :

*“2. The Petitioner say and submits that, the father of the petitioner Laxman Ramji Kamble R/o. Kapsi, Taluka Loha, District Nanded was working as a peon in the School of Respondent No. 4 and 5. While he was on duty died on 09.05.2007, the copy of death certificate is annexed herewith and marked as **EXHIBIT- “A”**, behind his wife Smt. Saraswatibai Laxman Kamble, son Anil Laxman Kamble, daughter Vaidya Laxman Kamble, son Manoj Laxman Kamble and Petitioner. Due to sudden death of the father of the Petitioner the family of the Petitioner suffered from hardship.*

*3. The Petitioner says and submits that due to sudden death of the father of the Petitioner at that time the Petitioner was minor and as soon as he attends the age of majority he filed application with the Respondent on dated 20th January, 2015. The copy of application dated 20th January, 2015 is annexed herewith and marked as **EXHIBIT-“B”**, the petitioner says and submits that the Petitioner filed application with the authority along with detail information and requested to give the appointment on compassionate ground as there is no one in government service as well as he is landless person.”*

4. Thus, there is no averment in the petition that the mother of the petitioner ever applied for compassionate appointment. Apart from this, when we invited attention of the learned Advocate for

the petitioner to the typed copies applications dated 13.08.2007 and 21.08.2008 (page No. 14 and 16 of the petition) which are shown to have been signed by Mr. Anil Laxman Kamble, the learned counsel for the petitioner attempted to improvise upon the story stating that initially the applications were made by the brother of the petitioner and not by the mother. He further submitted that the mother of the petitioner made an application dated 30.01.2010, which is at page No. 15 of the petition. We find that the said letter dated 30.01.2010 is addressed to the Lok Ayukta, Mumbai and not to the employer of the deceased. Furthermore, the prayer made in the application dated 30.01.2010, is not for the compassionate appointment but for grant of family pension. Thus even this attempt of the petitioner's counsel has turned out to be unsupported by pleadings or documents on record.

5. Respondent Nos. 4 and 5 have filed affidavit-in-reply, denying the receipt of any applications, which are produced by the petitioner at page No. 14 and 16 of the petition. The petitioner has not filed any rejoinder to counter the said averments. In fact, in paragraph No. 3 of the petition, while producing Exh.-B, the petitioner has referred only to application dated 20.01.2015 made by him. However, instead of attaching only the application dated 20.01.2015, the petitioner has added the applications dated

13.08.2007, 21.08.2008 and 30.01.2010 without referring to them, in any manner, in the pleadings.

6. We, therefore, find that the petition has been filed by the petitioner in a very casual manner and the presentation thereof before us is even worse.

7. Even if the casual manner in which the petition is filed and presented before us is to be ignored, the prayer made for consideration of applications dated 20.01.2015 and 24.03.2021, cannot otherwise be granted on account of inordinate delay in filing the petition. There is no averment in the petition as to how the petition is filed in the year 2021 for non decision of the application filed on 20.01.2015. When we put across this query to the learned Advocate for the petitioner, he submitted that the petitioner was given assurance by the management that he would be appointed on compassionate grounds. However, again there is no averment to that effect in the petition.

8. In the result we find that the first application for grant of compassionate appointment was made by the petitioner only on 20.01.2015 i.e. after the period of 8 long years after the death of his father. We, therefore, refuse to accept the theory attempted to put

across the bar by the learned Advocate for the petitioner that the brother or mother of the applicant had applied for compassionate appointment. The petition suffers from gross delay and latches. On the basis of findings recorded by us, ordinarily we would have been justified in imposing costs upon the petitioner. However, only because the petition has been filed for grant of compassionate appointment, we are refraining from doing so.

9. In the result, the petition of the petitioner is dismissed with no order as to costs.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE

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