

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.9133 OF 2022

RUSHIKESH ANKUSHRAO PHULARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Petitioner : Mr. Lomte Arun S. (absent)
AGP for Respondents 1 to 4: Mr. S.G. Karlekar
Advocate for Respondent No.5 : Mr. S.S. Bora
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th OCTOBER, 2022.**

PER COURT :-

1. None for the petitioner.
2. We had heard the learned advocate for the petitioner on 13.9.2022.
3. The petitioner has prayed for compassionate appointment. His father passed away on 10.3.2006, while being in class-III service with the Municipal Corporation. His widow, i.e. mother of the petitioner, never applied for compassionate appointment. The date of birth of the petitioner is 10.05.2000. He became 18 years of age and was entitled to move an application for compassionate appointment, on 10.5.2018. The prescribed time for filing an application was one year from the date of attaining 18 years of age. The petitioner moved an application on 30.9.2019, which was rejected by the Corporation on

account of being time barred.

4. After the hearing on 13.09.2022, we adjourned the matter to 04.10.2022. The learned advocate remained absent and moved an adjournment request through another advocate. We adjourned the matter to 11.10.2022.

5. On 11.10.2022, the learned advocate remained absent and we passed the following order:-

“1. It was at the request of the learned Advocate for the petitioner that the matter was adjourned today and posted in the “passing orders” category, after this Court expressed disinclination to grant relief in the light of the judgment delivered by the Hon'ble Supreme Court dated September 30, 2022 in the matter of *Fertilizers and Chemicals Travancore Ltd and Others vs. Anusree K.B., Civil Appeal No. 6958 of 2022.*

2. None present for the petitioner.

3. Stand over to 13th October, 2022, for dismissal.”

6. Even today, though the matter is listed at Sr. No. 918, under the caption of ‘dismissal’, none appears for the petitioner.

7. In view of the above, this petition is dismissed for non prosecution.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)