

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO.1912 OF 2021

SHYAMCHAND PALTURAM CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. G.B. Kingre
AGP for the respondent – State : Mr. K.N. Lokhande
...

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

DATE : 30 AUGUST 2022

ORAL ORDER (MANGESH S. PATIL, J.) :

The petitioner who was serving as a sweeper with the respondent no. 3 took voluntary retirement on 30-06-2000 and is now seeking appointment of his grandson on his post on compassionate ground in the light of the Lad / Page commission report accepted by the State Government.

2. We have heard both the sides and perused the papers. Admittedly, the petitioner had taken voluntary retirement in the year 2000 but made request for the first time for compassionate appointment that too for his grandson, in 2011. Though strictly speaking the Government Resolution dated 10-11-2015 may not be applicable to the petitioner's case restricting the period of making an application to one year, the fact remains that it is a compassionate

appointment and it has its own place in law. It is only to provide an immediate succor that it has been in vogue.

3. Pertinently, apart from the enormous delay, the petitioner is seeking appointment for his grandson even when his five sons are alive and four of them are already in some employment or the other. The fact has been admitted in the additional affidavit filed by the petitioner.

4. Besides, in our considered view, a grandson for whom the appointment is being sought, during lifetime of his father cannot be said to be the heir or dependent and would not be entitled to get appointment on compassionate ground.

5. Again at no point of time, the grandson himself seems to have made any request and even the petition has been filed by the petitioner holding him back.

6. We find no sufficient and cogent reason to entertain the petition.

7. Writ petition is dismissed.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/