

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5015 of 2022

Sargam Mitesh Ramteke

Versus

The Hon'ble High Court Judicature at Bombay,
through Hon'ble Chief Justice of High Court Bombay,
Mumbai 400001 and another

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Alok Upasani, Advocate for Petitioner.

CORAM : A.S. CHANDURKAR & URMILA JOSHI-PHALKE, JJ.

DATE : AUGUST 20, 2022

The father of the petitioner was in the employment of respondent No.1. He expired in harness on 6-6-2012. The petitioner's elder brother made an application seeking appointment on compassionate basis. The said application came to be rejected and the petitioner's brother was informed of the same in terms of the communication dated 27-3-2014. The petitioner as the younger son sought an appointment on compassionate basis by urging that such steps were taken after he attained the age of majority. That request has been rejected in view of Clause Nos.7(a) and 7(c) of the Bombay High Court Revised Guidelines for Appointment on Compassionate Ground, 2007 (for short, 'the Revised Guidelines').

The learned counsel for the petitioner submits that there was no material with the respondents to rely upon the aforesaid Clauses while refusing the request for grant of appointment on compassionate basis. No reasons are indicated in the aforesaid communication. The request made by the petitioner ought to have been favourably considered.

Admittedly the petitioner's father expired on 6-6-2012. His elder brother sought an appointment on compassionate basis, which request was refused in the year 2014. The petitioner's brother did not

challenge the rejection of his request for grant of compassionate appointment. The family has thereafter survived by it's own means and the petitioner who is the younger son of the deceased now seeks compassionate appointment. As per Clause 7(a) of the Revised Guidelines, if the family deserves immediate assistance for relief from financial destitution, such case be considered. The facts of the present case indicate that the death has occurred in the year 2012 and a period of more than nine years has lapsed thereafter. We therefore find that the application for compassionate appointment has been rightly rejected under Clause 7(a) of the Revised Guidelines. In that view of the matter, we do not find any reason to interfere in the refusal of the request for appointing the petitioner on compassionate basis.

The writ petition is dismissed. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)

Lanjewar