

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.2286 OF 2022

MANOJ MAHADEO ALBAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Mr.T.M. Venjane, Advocate for the Petitioner
Mr.V.M. Kagne, AGP for the Respondent/State.
Mr. G.L. Awale, Advocate for Respondent Nos.5 and 6.
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATED : 26th APRIL, 2023.

PER COURT :-

1. The Petitioner has put forth prayer clauses "B", "C" and "D" as under :-

"B. Be pleased to direct the respondent No.5 (Institution) and respondent No. 6 (Head Master of the school) to issue appointment order to the petitioner on the post of junior clerk on compassionate ground in pursuance of order dated 22.08.2019 passed by the respondent No. 4 (Education Officer).

C. Be pleased to direct the respondent No. 5 and 6 to forward proposal for grant of approval of the petitioner.

D. Pending hearing and final disposal of this Writ Petition, be pleased to direct the respondent No. 5 and 6 not to fill up the post of junior clerk."

2. We have heard learned Advocates for the respective sides.

We have perused the affidavit filed by Respondent Nos.5 and 6 and the additional affidavit filed by the Petitioner.

3. The undisputed factors are as under :-

(a) The father of the Petitioner joined as a peon on permanent basis and subsequently as Junior Clerk until he died on 08.05.2014.

(b) At the time of the demise of the father, the mother of the Petitioner was working as a cook under the Poshan Aahar Scheme in the same school since 2008 on honorarium of Rs.1000/- per month.

(c) The Petitioner was working on daily wages with the Panchayat Samitee, Renapur as a Computer Operator between 2013 to 2015.

(d) As per the statement, on instructions from the Headmaster, who is present in the Court, the mother of the Petitioner receives pension on account of the demise of the father of the Petitioner @ Rs.30,000/- per month.

4. As such, it is clear that on 08.05.2014, when the father of the Petitioner passed away, the mother was working as a cook in the same school and the Petitioner was working as a Computer Operator with the Panchayat Samitee, Renapur. Both were drawing salary. The widow is receiving pension. Nine years have passed by. The Petitioner made an application for compassionate appointment on 01.07.2014.

5. Considering the above and in the light of the law that compassionate appointment is not a source of employment, but meant to render immediate financial assistance to the bereaved family, we are of the opinion that in this case compassionate appointment can not be granted as the Petitioner was in temporary employment and mother/widow was also in employment. So also, pension @ Rs.30,000/- per month is being received by the widow.

6. In view of the above, this petition can not be entertained and the same is, therefore, dismissed.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/