

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO.6471 OF 2023

GOVIND RAMRAO KHATING
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.M.K.Bhosale, Advocate for the Petitioner.
Mr.S.K.Tambe, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : AUGUST 28, 2023

PER COURT :

1. We have considered the strenuous submissions of the learned Advocate for the Petitioner and have perused the 8 grounds formulated in the memo of the Petition.

2. The Petitioner's grand mother lost her land to Respondent Nos. 2 and 3 University in a Project on 31.03.1977. She was given employment, being project affected and was regularized in service, in 1984. She died a natural death while in service, on 23.11.2009. Her son Ramrao i.e. father of the present Petitioner, applied for

compassionate appointment on 18.08.2010. The claim of the Petitioner's father was initially rejected on 22.05.2015 on the ground that the application was filed beyond one year. However, that was not the factual situation. Hence, the application was considered. On 06.02.2020, the father's application was rejected on the ground that he has completed 45 years of age.

3. The Petitioner is 30 years of age today. He is in employment as a daily wage labourer, but not in the same University. He is unmarried. He seeks compassionate employment.

4. The Hon'ble Supreme Court has concluded in catena of judgments that compassionate appointment is neither a source of employment nor a right to be exercised. If a family is in penury, compassionate appointment can be granted by way of immediate financial succour. In the case before us, it is the grand mother of the Petitioner who has died 14 years ago. His Father is happily married and has children. Now the Petitioner is before us, who is presently working as a daily wager and is unmarried. After 14 years, we do not find that we could entertain this petition for grant of compassionate

appointment in the light of the view taken by the Hon'ble Supreme Court in the following judgments :-

- (a) *Fertilizers and Chemicals Travancore Ltd. And others. Vs. Anushree KB, (2022) SCC Online SC 1331.*
- (b) *Director of Treasuries in Karnataka vs. Somyashree, (2021) SCC Online SC 704.*
- (c) *State of Uttar Pradesh and others vs. Premlata, (2022) 1 SCC 30.*
- (d) *Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union, 2022 (III) CLR 859.*

5. In view of the above, **this Writ Petition is dismissed.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)