

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

4 WRIT PETITION NO.3486 OF 2022

AMIT S/O RAM KENDRE
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Paresh B. Patil.
AGP for Respondent/State : Mr. S. G. Sangle.
...

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

DATE : 27th February, 2023.

Per Court:

1. The petitioner is now around 27 years of age. This petition was filed on 7th May, 2019. The same is circulated for the first time in December, 2021.

2. The petitioner's father was working as a Junior Clerk with respondent No.4, office of the Assistant Registrar, Co-operative Societies, Omerga, District Osmanabad. On 25th April, 2007, his father passed away, while on duty. His mother moved an application on 22nd July, 2007, seeking compassionate appointment. Subsequently, she suffered age bar. The petitioner moved an application on 19th March, 2015, after becoming 18 years of age. By the impugned order, his application, forwarded through two political leaders of the State of

Maharashtra, has been rejected on the ground that though the name of the mother was enlisted for considering her candidature for appointment on compassionate basis, she turned 45 years of age and thereafter, she was out of consideration.

3. The Honourable Supreme Court and this Court have concluded that while considering a claim for compassionate appointment, the Court must consider the period that has passed after the demise of the bread earner, whether the family is in pecuniary, whether the service benefits of the deceased employee have been paid to the family and whether the family receives any financial assistance, 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 ; and***
- d) ***Dipika Diliprao Dalvi and another Vs. State of Maharashtra and others, 2022 SCC Online Bom. 7228 (WP No.11067/2022 decided on 15.12.2022, Aurangabad Bench).***

4. It is informed that the mother of the petitioner receives Rs.6,700/- per month as pension. The learned advocate for the petitioner is not sure as to how much is the pension after the applicability of the 7th Pay Commission Recommendations.

5. Considering the above and especially that it is 16 years after the demise of the bread earner and keeping in view the law laid down by the Honourable Supreme Court, we are unable to issue directions to the respondents to reconsider the claim of the petitioner for compassionate appointment.

6. In view of the above, the petition stands dismissed.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

nga