

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11328 OF 2016

Shri. Salil Lalmohammad PathanPetitioner

V/s.

Hon'ble Registrar, High Court
and Ors.Respondents

Mr. Manoj Patil, Advocate for the petitioner.

Mr. Rahul Nerlekar, Advocate for respondents no.1 and 2.

**CORAM : S.V. GANGAPURWALA, ACTING CJ &
SANDEEP V. MARNE, J.**

DATE : 3rd APRIL, 2023.

P.C. :

1. The application of the petitioner for appointment on compassionate grounds is rejected.

2. The father of the petitioner died on 22nd September, 2001 while in service. It is the contention of the petitioner that on 9th October, 2001 the aunt of the petitioner applied for appointment on compassionate ground. The claim for appointment on compassionate ground was rejected on or about 22nd April, 2003. It is the contention of the petitioner that the

respondent no.3 sought information about the grounds on which the application was rejected. The same was never provided. On 23rd May, 2013 the petitioner made an application for appointment on compassionate ground. The said application is also rejected on the ground that the earlier application was rejected in 2003.

3. Mr. Patil, learned Advocate for the petitioner submits that the petitioner at the time of death of his father was a minor. Immediately, on the respondent attaining the age of majority, the petitioner filed an application within limitation. There was no reason for the respondents not to consider the application of the petitioner. The rejection of the application of the aunt of the petitioner shall not have any effect on the application of the petitioner, as aunt of the petitioner cannot be said to be a family member or dependent. The application of the petitioner ought to have been independently considered.

4. Heard Mr. Nerlekar, learned Counsel for respondents no.1 and 2.

5. The father of the petitioner died in 2001, almost 22 years have lapsed. The aunt of the petitioner (respondent no.3)

had also applied for compassionate appointment immediately. Notice was issued to the mother of the petitioner as to whether she had any objection. The mother of the petitioner replied that name of the sister of the petitioner's name be kept in the list. According to the learned Counsel, the application of the petitioner ought to have been considered.

6. The purpose and object to appoint a person on compassionate grounds is to provide immediate succor to the family of the deceased dying in harness. Almost 22 years have lapsed. The lapse of 22 years period would be long slumber as observed by the Apex Court in a catena of judgments. In the case of **State of Maharashtra & Anr. Versus. Rehana Akbar Shaikh and anr.** 2023 (2) Bom.C.R. 48, observed about the purpose of appointment on compassionate grounds and the long time gap negating the right.

7. The claim was not considered in the year 2003 itself. It would be not right to say that the same ought to have been considered now. In light of that, no purpose will be served. The Writ Petition is dismissed.

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(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)