

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2300 OF 2023

Ishita Anand Savale

....Petitioner

V/S

The Joint Director

Health Services & Anr.

....Respondents

...

**Mr. V.N. Tayade** for the Petitioner.

**Mrs. R.A. Salunkhe**, AGP for Respondents-State.

...

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

**DATE : 26 APRIL 2023.**

**P.C.:**

1 The Petitioner has filed an Application for compassionate appointment. The same is rejected. The Petitioner has filed Original Application before the Tribunal. The Tribunal dismissed the said Original Application. Aggrieved thereby the Petitioner filed the present Petition.

2 The learned Counsel for the Petitioner submits that the mother of the Petitioner was employee with Respondent No.1. She died while in service on 2 January 2018. On 20 June 2018 the Petitioner has filed an Application for compassionate appointment. On 14 March 2019 the Respondent No.1 rejected the Application of the Petitioner for

appointment on compassionate ground. On 19 March 2020 the Petitioner has filed an Application for reconsideration of her Application for compassionate appointment. The same is not considered.

3 The learned Counsel for the Petitioner submits that in the Application dated 20 August 2020 the Petitioner has specifically brought it to the notice of the employer that the mother was bearing all the expenses of her education and the father is not supporting the Petitioner as such the Petitioner is in need of employment. According to the learned Counsel Respondent No.1 did not consider the claim of the Petitioner nor the Tribunal considered the same in its correct perspective.

4 We have heard the learned AGP.

5 Admittedly the Petitioner's father was in service with MSEDCL on the date the mother of the Petitioner died. One of the family members of the Petitioner was already in service. The income of the father of the Petitioner at the relevant time was Rs.12,57,179/- per annum. The father of the Petitioner as observed above was in service when the mother of the Petitioner died and he retired subsequently. It would appear that the family was not in financial distress.

6 The contention of the Petitioner that mother used to bear all the expenses of education does not appear to be correct. On or about 12 November 2018 the father of the Petitioner gave an Application to Respondent No.1 that he has retired on 31 October 2018 and his income would be reduced and as such he will have to bear the responsibility of his children.

7 The aforesaid aspect would show that the father and mother of the Petitioner were residing jointly and the Petitioner was residing with the father and mother.

8 If such an Application is considered then that would defeat the very purpose of compassionate appointment.

9 The Tribunal has not committed any error while passing the impugned order. The Writ Petition is dismissed. No costs.

**(SANDEEP V. MARNE, J.)**

**(ACTING CHIEF JUSTICE)**

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RAJALINGAM  
KATKAM  
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