

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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WRIT PETITION NO. 1307 OF 2023

Vijay Dattatray Raut

..... Petitioner

Vs.

The Chief Executive Officer & Ors.

..... Respondents

Ms. Rekha Musale for the Petitioner

Mrs. R. A. Salunkhe, AGP for the State

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

DATED : FEBRUARY 8, 2023

P.C.

1. The Application filed by the Petitioner seeking appointment on compassionate ground is rejected.

2. The learned Counsel for the Petitioner submits that the mother of the Petitioner was working as an Arogya Sevika with Respondent No.1. She died in the year 2009. The Petitioner immediately applied for appointment on compassionate ground in her place. Respondent No.1 rejected the said Application on 26th October 2009.

3. The learned Counsel for the Petitioner submits that the Application was rejected only on the ground that the father of the

Petitioner was working in a Primary Health Center as a Parichar. The learned Counsel submits that the Circular dated 2nd August 2022 issued by the Government of India is not being considered. As per the said Circular, even if one of the members of the family is in service, still the other aspects are required to be considered, such as, number of dependents, assets and liabilities led by the Government servant, income of the earning members and also their liabilities. All these facts are not considered by the Respondents. According to the learned Counsel, there are three members in the family. The Petitioner and his brother are doing private jobs.

4. The Application of the Petitioner seeking employment on compassionate ground is rejected on 26th October 2009. The Petition is filed almost after 13 years.

5. It is not disputed by the Petitioner that the father of the Petitioner is serving in Primary Health Center as a Parichar (Class-III Post). The very object and purpose of the scheme of compassionate appointment is to provide immediate employment so as to mitigate the hardship. The Petitioner's father is already in service. The Petitioner and his brother are doing private jobs. The Application of the Petitioner for appointment on compassionate ground was rejected in the year 2009. The same was not assailed for 13 years. The Circular on which the Petitioner seeks to rely, is of 2nd

August 2022 and that too of the Central Government. The position as on date of the Application is required to be considered while entertaining the Application for compassionate appointment.

6. In view of the fact that the Petitioner's father is in Government service and the Application of the Petitioner is rejected in the year 2009 and no steps were taken for 13 years, so also, the Petitioner is in private service, it is not possible to entertain the contentions of the learned Counsel for the Petitioner.

7. The Writ Petition, as such, is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)