

TRUSHA
TUSHAR
MOHITE

Digitally signed by
TRUSHA TUSHAR
MOHITE
Date: 2023.01.10
19:00:49 +0530

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

WRIT PETITION NO. 383 OF 2023

Ramakant Gulabrao Dubal

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr.Laxman S. Deshmukh for the Petitioner

Mr.R.P.Kadam, A.G.P. for the State

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

DATED : JANUARY 09, 2023

P.C.

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

2 Mr.Deshmukh, the learned counsel for the Petitioner strenuously contends that the father of the Petitioner died on 15.11.1995. Upon his death, mother of the Petitioner filed an application on 29.02.1996 seeking appointment on compassionate ground. The said application was not decided and was kept pending. The Petitioner filed an application seeking appointment on compassionate ground in the year 2015. The same was rejected by the Respondent authority on 20.11.2015 only on the ground that

the application is not filed within one year.

3 The learned counsel submits that the mother of the Petitioner had already filed an application. The same was pending. However, as the same was not processed and taken to its logical end, the Petitioner filed an application in the year 2015. The application ought to be considered as filed in continuation of the earlier application filed by the mother. Rejection of the application on the ground of delay is improper. The learned counsel further submits that on such a technical ground, the claim of the Petitioner ought not to have been rejected. The same would be against the very object and purpose of compassionate appointment. The learned counsel submits that the policy as on the date of death of the father of the Petitioner ought to have been complied with. Respondents are applying the subsequent policy. The same is not relevant.

4 We have heard the learned A.G.P.

5 The father of the Petitioner died on 15.11.1995 while in service. It appears that the mother of the Petitioner filed an application in the year 1996 to appoint her on compassionate ground. The mother of the Petitioner was not appointed on compassionate ground. The Petitioner for the first time filed an application for appointment on compassionate ground in the year

2015 i.e. much after the Petitioner had attained the age of majority. The said application was also rejected in November, 2015. The Petitioner did not challenge the same and filed the present Writ Petition only at the fag end of the year 2021 i.e. after lapse of six years.

6 The object of appointment on compassionate ground is to provide immediate succor to the family of the deceased dying in harness. After 27 years, the claim of the Petitioner for appointment on compassionate ground cannot be entertained. The Petitioner did not challenge the order rejecting the appointment on compassionate ground for six years.

7 Considering the long hiatus, it would not be appropriate now to consider the claim of the Petitioner.

8 Writ Petition as such is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)