

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 1303 OF 2020

Mrs.Tanuja Pradeep Rawale. ... Petitioner.

V/s.

The Secretary,

Public Health Department, Mantralaya

and others.

... Respondents.

Mr.Ameya T. Amhane for the Petitioner.

Mr.S.K.Kankal, AGP for the Respondent- State

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 5 December 2023.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dated 18 June 2019 rejecting the Original Application No.402/2018 filed by the Petitioner seeking compassionate appointment in favour of Petitioner's daughter.

3. The Petitioner is a widow of one Pradeep Rawale who expired on 28 August 2008 while working as Senior Clerk in the

District Malaria Prevention Office, Nashik. The Petitioner filed an application on 10 December 2008 for grant of compassionate appointment for her son Krushikesh and again filed an application for substituting the name of Krushikesh with that of her daughter Simran. Thereafter the Petitioner filed the original application in the Tribunal.

4. The object of appointment on compassionate basis is to give immediate relief to the bereaved family to tide over the sudden loss. In innumerable decisions, it has been stressed that the appointment on compassionate basis is not a vested right but is an assistance, even though it is an exception to the basic rule of employment in public service through public participation.

5. The manner in which the Petitioner has prosecuted her claim for appointment on compassionate basis would itself indicate that the Petitioner has treated appointment as vested right and there was no such need for immediate relief. After making an application for appointment on compassionate basis for Petitioner's son, deferment was sought for four years on the ground that son wanted to pursue engineering course. This prayer was rejected. Thereafter substitution was sought on behalf of the daughter Simran, which was also rejected. After rejection in the year 2013, the original application is filed in the year 2018. In the circumstances, if the Tribunal concluded that the Petitioner's family was not in need of

appointment on compassionate ground and there was delay and laches, it cannot be said that the view taken by the Tribunal is perverse or illegal. The view taken is in conformity with the law governing compassionate appointments.

6. Writ petition is, accordingly, rejected.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)