

Santosh

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

WRIT PETITION NO. 6122 OF 2023

**SANTOSH
SUBHASH
KULKARNI**

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Dhanaji Sonaba Pisal

...Petitioner

Versus

The Divisional Controller, Maharashtra
State Road Transport Corporation, Satara
Division, Satara.

...Respondent

Mr. Abhijit Patil, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 4th JULY, 2023

Order:-

1. The petitioner, a retired employee of Maharashtra State Road Transport Corporation- respondent No.1, has invoked the writ jurisdiction being aggrieved by the judgment and order dated 1st March, 2021 passed by the learned Member, Industrial Court at Satara in Complaint (ULP) No.9 of 2015 dated 1st March, 2021 to the extent the Industrial Court directed the respondent to give suitable employment to the son of the petitioner, on compassionate ground, within two months from the date of the said order.

2. The substance of the petition is that the son of the petitioner ought to have been given employment on compassionate basis from the date of the application i.e.

5th September, 1997 and all the consequential benefits as the act of the respondent in refusing to grant employment to the son of the petitioner, who came to be retired as he became medically unfit, was wholly unsustainable.

3. I have heard Mr. Patil, the learned Counsel for the petitioner.

4. By the impugned judgment and order, the learned Member, Industrial Court, directed the respondent to give all retiral benefits to the petitioner - complainant alongwith interest at the rate of 6% p.a. from the date of retirement till realization within a month of the said order. The learned Judge also found that the petitioner having been retired on account of being declared medically unfit, under the Circular dated 6th February, 1994 one of the dependents of the petitioner was entitled to get employment on compassionate ground. The learned Member thus directed the respondent to give suitable employment to the petitioner's son within two months of the said order having regard to the petitioner's son's educational qualification and birth date etc.

5. It is trite the purpose of compassionate appointment is to provide immediate succor to the family of deceased employee or an employee, who is retired for having been rendered medically

unfit, to discharge the service. The claim of the petitioner that the petitioner's son be given employment with effect from 5th September, 1997, presumably, notionally, and give all the benefits does not deserve to be countenanced as it would entail the consequence of payment of salary and other benefits to the son of the petitioner for the period he had not rendered any service to the respondent and in the absence of any employer – employee relationship. No fault can be thus found with the impugned order, especially when the learned Member, Industrial Court, directed the respondent to release all the retiral benefits alongwith interest at the rate of 6% p.a. The petition, therefore, does not deserve to be entertained.

6. Hence, the petition stands dismissed.

[N. J. JAMADAR, J.]