



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 692 OF 2020

PETITIONER : 1. Namrata D/o Arvindrao Kasar,
Aged about 22 years,
R/o Shegaonkar Layout,
Wardha, Tah. and District: Wardha

//VERSUS//

RESPONDENTS : 1. State of Maharashtra, through
Collector, Nagpur
2. Executive Engineer (Technical)
Technical Engineering Workshop
Division, Sadar, Link Road,
Nagpur
3. Vishakha Gulshanrao Choudhary,
R/o. Jalgaon, Post Mangrul
(Dastagir), Tah. Dhamangaon (R),
District- Amravati-444709
4. Collector, Wardha
Tahsil and District : Wardha

Mr. S.K. Bhoyar, Advocate for petitioner.

Mrs Kalyani Deshpande, AGP for respondent No.1, 2 and 4/State.

CORAM : SMT. ANUJA PRABHUDESSAI AND
MRS. VRUSHALI V. JOSHI, J.J.

DATED : DECEMBER 18, 2023.

ORAL JUDGMENT (PER:-SMT. ANUJA PRABHUDESSAI, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the respective parties.

3. By this petition under Article 226 of the Constitution of India, the petitioner seeks directions to respondent Nos.1 and 2 to process the claim of the petitioner for her appointment on compassionate basis in view of death of her father-Arvind Janakrao Kasak.

4. The father of the petitioner was working in the office of respondent No.2. He died on 15.05.2017, while in service. The deceased Arvind Kasar had nominated his widow Sangita, the mother of the petitioner herein, as a nominee to receive death cum retirement gratuity benefits as well as pension. It is stated that the retirement benefits as well as death cum retirement gratuity has been paid to widow of the deceased.

5. Respondent No.3 is a married daughter from the first marriage whereas the petitioner is the unmarried daughter from the second marriage and is living with her mother. The petitioner as well as respondent No.3 had applied to the office of respondent

No.2 for appointment on compassionate ground. The respondent Nos. 1 and 2 have not processed the application in view of the rival claims.

6. It is pertinent to note that the object of compassionate appointment is to provide financial assistance to the family of the deceased employee to get over financial crises. The policy stipulates that the living spouse is required to nominate the person who is to be appointed on compassionate basis and in the event there is no living spouse all the family members have to take a joint decision on nomination of the person who is entitled for such benefit.

7. In the instant case, it is not in dispute that the widow of the deceased employee has given no objection for appointment of the petitioner on compassionate basis. Respondent No. 3 has not appeared despite due service. It is also on record that respondent No.3 was married on 15.06.2012 i.e. much before the death of the deceased employee and was not dependent on the earning of her deceased father. Per contra, the petitioner is presently living with her mother and has given an undertaking to maintain her mother if she is appointed on the said post.

8. In such circumstances, we direct respondent Nos.1 and 2 to process the claim of the petitioner for being appointed on the compassionate basis in view of death of her father.

9. Rule is made absolute in above terms. No costs.

(VRUSHALI V.JOSHI,J.)

(ANUJA PRABHUDESSAI,J)

manisha