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

WRIT PETITION NO. 12925 OF 2022

Pravin Ramesh More

.. Petitioner

Vs.

The Superintendent of Police & Anr.

.. Respondents

...

Mr. Gaurav Bandiwadekar for the Petitioner.

Ms. K. N. Solunkhe, AGP for Respondent Nos. 1 & 2-State.

...

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 5th JANUARY, 2024.

PC. :

1. Heard. The challenge raised in this writ petition is to the order passed by the Maharashtra Administrative Tribunal on 15/11/2021 in Original Application No.1175 of 2019.

2. The father of the petitioner was serving on a Group-B post and while discharging duties as Police Sub Inspector, he died on account of Septic Shock with Advance Metastatic Cholangiocarcinoma. The petitioner sought appointment on compassionate basis vide application dated 04/02/2014. This application was rejected vide communication dated 16/04/2014 on the ground that the petitioner's father was a Group-B employee and the relevant policy was applicable only to Group C & D employees. The petitioner thereafter moved another application and the same was considered in accordance with Government Resolution dated

21/09/2017. The said application came to be rejected on 16/09/2019 and that adjudication was assailed in Original Application No.1175 of 2019. The Tribunal held against the petitioner on two grounds, namely, that the earlier rejection dated 16/04/2014 was not challenged by the petitioner and secondly, the Government Resolution dated 21/09/2017 was applicable only in a case where death occurs on account of a fatal injury suffered during the course of service.

3. Though the learned counsel for the petitioner submits that the Tribunal has not justified in holding that there was a delay on the part of the petitioner and failure to challenge the communication dated 16/04/2014, we find that even otherwise, the petitioner cannot take benefit of the Government Resolution dated 21/09/2017 on the basis of which his claim was rejected. Under clause 2 (a a) of the said Government Resolution, it is only if a Group C or D employee suffers injuries and such injuries have led to the death of that employee during the course of service, such employee would be entitled to be considered for appointment on compassionate ground. Undisputedly, the petitioner's father died on account of cancer, which he contracted during the course of service. There was no fatal injury suffered by the petitioner's father. In these facts, we find that the Tribunal was justified in coming to the conclusion that Clause 2(a a) of the Government Resolution dated 21/09/2017 was not attracted in the case of the petitioner. Hence, even

if the earlier rejection of the petitioner's application vide communication dated 16/04/2014 is ignored, the petitioner cannot succeed for the reason that his claim is not governed by the provisions of the Government Resolution dated 21/09/2017.

4. We therefore do not find any reason to interfere with the order passed by the Tribunal. The Writ Petition is therefore dismissed with no order as to costs.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]