



Judgment

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1

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

CIVIL APPLICATION (CAO) NO. 430/2021

IN

MISC. CIVIL APPLICATION (MCAST) NO. 5335/2021

WITH

MISC. CIVIL APPLICATION (MCAST) NO. 5335/2021

IN

WRIT PETITION NO. 882/2021

Prathamesh s/o Ravindra Sonone
Aged about 21 yrs., Occ. Nil,
R/o. Bhedisutra, At Post – Bhendi
Mahal, Tah. Barsi Takli,
Dsit. Akola (M.S.)

... **APPLICANT/**
PETITIONER

VERSUS

1. General Manager Central Railway,
Mumbai, Maharashtra.
2. Divisional Railway Manager,
Central Railway, Bhusawal 425203.
3. Divisional Security Commissioner,
Railway Protection Force,
Tah. Bhusawal, Dist. Jalgaon, 425201.

...**NON-APPLICANTS/**
RESPONDENTS

Mrs. Giratkar, Advocate with P. Giratkar, Advocate for
applicant/petitioner.
Mr. P. V. Navlani, Advocate for non-applicants/respondents

2

**CORAM : VINAY JOSHI AND
ANIL S. KILOR, JJ.**

DATE : 22.03.2024.

CIVIL APPLICATION (CAO) NO. 430/2021

Heard.

2. For the reasons stated therein, the delay stands condoned.
3. Application disposed of.

MISC. CIVIL APPLICATION (MCAST) NO. 5335/2021

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

1. Heard.
2. **Admit.**
3. This is an application seeking to review of our order dated 15.02.2021 passed in Writ Petition No.882/2021, whereby the applicant's/petitioner's urge for grant of compassionate appointment has been rejected.
4. The applicant has come up with a case that, this Court while dismissing the writ petition held that the applicant has not

3

applied within reasonable period for compassionate appointment which resulted into rejection. According to the applicant, at the time of death of his father, the petitioner was 8 years of age, hence his uncle had applied on 12.08.2007 for compassionate appointment. According to the applicant, the said document was recently traced. Thus, due to discovery of said material, the impugned order requires to be reviewed.

5. The learned counsel for non-applicants would submit that the applicant's father was compulsorily retired and therefore, as per Rules, the applicant is not eligible for compassionate appointment. He has attracted our attention to para 4 of the order under the review, wherein this Court took note that the applicant has not tendered documents to show that his father was retired on medical grounds. Unless the applicant is eligible for compassionate appointment, the question of delay in application cannot be gone into. The non-applicants have produced a copy of charge-sheet dated 04.08.2008 filed against the applicant's father. Said official record shows that on account of punishment, the applicant's father was made compulsorily retired with all benefits. Since the said

4

position is crystal clear, in any eventuality, the applicant is not entitled to claim compassionate appointment.

6. In view of above, we do not find any reason to review our earlier order, hence application stand dismissed and disposed of.

(ANIL S. KILOR, J.)

(VINAY JOSHI, J.)