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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9752 OF 2025

Swapnil S/o. Omprakash Kalyankar,
Age:36 years, Occu: Private Service,
R/o.Venketash Nagar, Gangakhed,
Tq. Gangakhed, Dist. Parbhani.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Urban Development Department
Maharashtra State, Mantralaya,
Mumbai-32
2. The Commissioner & Directorate,
Administration Nagar Parishad,
Administration Directorate,
C.B.D. Bhavan, Municipal Corporation,
Building 7th Floor, Navi Mumbai.
3. The Divisional Commissioner &
Regional Director, Nagar Parishad,
Administration Directorate,
Divisional Commissioner Revenue
Campur, Aurangabad.
4. The District Collector,
Parbhani Station Road, Parbhani,
Tq. & Dist. Parbhani.
5. The Chief Officer,
Nagar Parishad, Gangakhed,
Tq. Gangakhed, Dist. Parbhani

... Respondents

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Mr. K.G. Salunke and Mr. Mahesh P. Kale, Advocates for Petitioner
Mr. S.K. Tambe, Addl. G.P. for Respondents Nos. 1 to 4

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**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 11 DECEMBER, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. The present writ petition arises from a claim for appointment on compassionate grounds made by the petitioner, whose father was employed with respondent no. 5 in the post of Peon since the year 2001 and who expired on 15.05.2011 while in service, after having rendered about ten years of service.

2. The petitioner asserts that soon after the demise of his father, and within a period of two months therefrom, he submitted an application seeking appointment on compassionate grounds along with all requisite documents. According to the petitioner, he was orally informed by respondent no. 5 that there was no vacancy available at the relevant time and that his application dated 29.07.2011 would be considered as and when a vacancy arose. It is the petitioner's case that, relying upon such assurance, he remained hopeful of consideration. He further contends that on 17.03.2021 he again submitted an application to respondent no. 5, referring to various Government Resolutions and circulars of the State Government as well as the departmental recruitment rules, asserting his eligibility for compassionate appointment and highlighting the financial hardship of his family. The

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petitioner claims to have submitted all necessary documents including a succession certificate and an affidavit of his mother, and asserts that he fulfills all eligibility criteria prescribed under the recruitment rules dated 01.08.2006, particularly Rules 49 to 57, read with the Government Resolutions dated 06.10.1994 and 22.08.2005 governing compassionate appointments. It is his grievance that despite his application never having been rejected, respondent no. 5 has failed to consider his claim since 2011, while appointing other candidates on compassionate grounds whose parents expired subsequently, thereby superseding his claim and committing grave illegality. On these premises, the petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking directions to the respondent authorities to consider and grant him appointment on compassionate grounds.

3. Learned advocate appearing for the petitioner vehemently submitted that the petitioner had complied with all statutory requirements and policy conditions governing compassionate appointments. It was contended that Rule 49 of the recruitment rules and the Government Resolution dated 26.10.1994, particularly Clauses 2A and 3A thereof, as well as the Government Resolution dated 22.08.2005 and Rules 51 and 32 of the recruitment rules, stood fully

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satisfied in the petitioner's case. Learned advocate argued that the petitioner's application was made well within the stipulated period from the date of death of his father, that the family had no other earning member, and that non-consideration of the application for more than a decade amounted to violation of the petitioner's statutory and constitutional rights. It was further argued that respondent no. 5 had arbitrarily bypassed the petitioner's application by considering and granting appointments to other applicants who had applied later, even though the petitioner's application was never rejected. According to the learned counsel, the prolonged inaction on the part of the respondents constituted gross illegality warranting interference by this Court in exercise of its writ jurisdiction.

4. Per contra, learned AGP appearing for the State opposed the petition and submitted that the petitioner had failed to place on record any material to demonstrate that he diligently pursued his application after the year 2011. It was argued that after submitting the initial application, the petitioner did not take any concrete steps for more than fourteen years to follow up the matter, and such prolonged inaction clearly amounted to abandonment and waiver of his claim. Learned AGP emphasized that the very object of compassionate appointment is to provide immediate financial relief to the family of a deceased

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employee who dies in harness, so as to mitigate the sudden financial crisis caused by such death. Compassionate appointment, it was submitted, is not a vested right nor an alternative mode of recruitment, but an exception carved out to meet an emergent situation. A claim raised after fourteen years, according to the learned AGP, defeats the very purpose of the policy, as the element of immediacy and financial distress cannot be presumed after such a long lapse of time. It was therefore contended that the petitioner, having slept over his rights for more than a decade, cannot seek compassionate appointment at this belated stage, and the petition deserves to be dismissed.

5. Having heard the learned advocates for the parties and having perused the relevant Government Resolutions and recruitment rules governing compassionate appointments, this Court finds no dispute about the existence of a welfare policy of the State for providing appointment on compassionate grounds to one eligible family member of a government servant who dies in harness. The underlying object of this policy is to extend immediate succour to the bereaved family which, due to the sudden demise of its breadwinner, is pushed into emotional trauma and acute financial distress. The policy is intended to prevent such families from being left without any means of livelihood and to enable them to tide over the sudden crisis. Compassionate appointment,

therefore, is conceived as a measure of immediate relief and not as a means to provide employment as a matter of course or as a deferred benefit to be claimed at any point of time in the future. It is precisely for this reason that the policy prescribes a time frame, ordinarily requiring the eligible dependent to apply within one year from the date of death of the employee, so that the employer can assess the financial condition of the family and determine whether there exists a pressing need for immediate assistance.

6. Applying these settled principles to the facts of the present case, it is evident that although the petitioner claims to have submitted an application in the year 2011 within the prescribed period, he thereafter remained completely dormant for more than fourteen years. Even assuming that an application was indeed made in 2011, there is no material on record to show that the petitioner pursued the same with any seriousness or diligence. The vague assertion that he was orally informed from time to time about non-availability of vacancies cannot substitute for sustained and *bona fide* efforts to seek a decision on his application. The alleged fresh application of the year 2021 is clearly beyond the permissible period and is untenable in law, apart from the fact that no documentary proof or acknowledgment of such application has been produced before this Court. The requirement of assessing

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immediate financial need cannot be meaningfully undertaken after a lapse of fourteen years from the date of death of the employee. Any direction to consider such a stale claim would run contrary to the very spirit, object, and rationale of the compassionate appointment policy and would amount to gross abuse of the welfare scheme.

7. The petitioner's contention that other applicants whose parents expired subsequently were granted compassionate appointments also does not advance his case. The petitioner has not challenged those appointments, and in fact, such appointments demonstrate that the respondents have been implementing the policy in accordance with its purpose by providing timely relief to families who approached the authorities within a reasonable period and pursued their claims diligently. The prolonged silence and inaction on the part of the petitioner clearly indicate that the element of immediate financial distress, which is the cornerstone of compassionate appointment, is conspicuously absent in his case. A person who allows his claim to remain unattended for more than fourteen years and then approaches this Court cannot legitimately contend that the family is still in need of urgent financial assistance arising out of the death of the employee. This Court is also of the considered view that the extraordinary and discretionary writ jurisdiction under Article 226 of the Constitution of

India is not meant to revive stale and dead claims. A litigant who sleeps over his rights for an inordinate length of time and approaches the Court after fourteen years, alleging violation of fundamental or statutory rights, cannot seek equitable relief in writ jurisdiction. Entertaining such belated claims would not only be contrary to settled principles of law relating to delay and laches, but would also undermine the purpose of welfare policies designed for immediate relief. Exercising writ jurisdiction in such circumstances would amount to stretching the policy beyond its legitimate contours and would open floodgates for similarly belated and untenable claims.

8. For all the aforesaid reasons, this Court finds no merit in the writ petition. The petition is accordingly dismissed. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE