

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.13206 OF 2024**

Reshma Subhash Rathod

Alias Reshma Sanjay Rathod] .. Petitioner

vs.

Magas Samaj Seva Mandal & Ors.] .. Respondents

Mr.Akil Kupade for the Petitioner.

Ms.Pooja Joshi Deshpande, for Respondent Nos.3 to 5.

**CORAM : M.S.KARNIK &
ASHWIN D. BHOBE, JJ**

DATE : 18th MARCH, 2025.

P.C.

1. The Petitioner prays for appointment on compassionate ground. The father of the Petitioner was working as Lab Assistant with Respondent No.1. The Petitioner, who is married daughter of the deceased employee, preferred an application for appointment on compassionate basis on 12/04/2016. The father of the Petitioner died on 29/08/2012.

2. Respondent Nos.1 and 2 though served, there is no appearance on their behalf. We are, therefore, constrained to proceed on the basis of the un-contraverted averments made in the Petition. By the

impugned order dated 03/05/2024 the Application for grant of appointment on compassionate basis, is rejected. We have taken the assistance of the learned AGP, representing Respondent Nos.3 to 5.

3. The learned AGP pointed out that the rejection of the Application for compassionate appointment is on two grounds. The first is that there was delay of four years in making the Application for compassionate appointment and secondly on the basis of Government Resolution dated 26/02/2013, the Petitioner being the married daughter of the deceased employee was not entitled to apply.

5 The learned counsel for the Petitioner pointed out that, by the GR dated 17/11/2016, the State Government has cancelled/withdrawn the Government Resolution Dated 26/02/2013, which forms the basis of one of the grounds on which the Application was rejected.

6. So far as the delay in making of the Application is concerned, the learned counsel for the Petitioner submits that there was some dispute pending between the legal heirs of the deceased employee as he had contracted a second marriage during his life time.

7. Be that as it may, there is no appearance on behalf of Respondent Nos.1 and 2. In view of the fact that the the Government Resolution dated 26/02/2013 which forms the basis of the impugned order, has been withdrawn/cancelled, we think it appropriate to pass the following order :-

ORDER

- i) The impugned order dated 03/05/2024 is quashed and set aside.

- ii) The Application preferred by the Petitioner dated 12/04/2016 be reconsidered afresh by Respondent No.1 in the light of Government Resolution dated 17/11/2016.
- iii) It is open for the Petitioner to file comprehensive representation indicating the reasons for delay in making the Application. If such an Application is made, Respondent No.1 shall consider the same on its own merits and in accordance with law.
- iv) The question of delay in filing the Application for appointment on compassionate basis is kept open to be decided by Respondent No.1.
- v) The Petitioner to appear before Respondent No.1 alongwith a copy of this order on 27/03/2025, and thereafter, within a period of four weeks, Respondent Nos.1 and 2 to decide the Application afresh, after hearing the Petitioner if necessary, in accordance with prevailing Rules and Government Resolution.

8. Writ Petition is disposed off in the aforesaid terms.

(ASHWIN D. BHOBE, J.)

(M.S.KARNIK, J.)