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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14549 OF 2024**

Miss. Amruta Chandrakant More

...Petitioner

Versus

The Additional Chief Secretary, Home Department, ...Respondents
Mantralay, Mumbai And Ors.

Mr. Datta Mane, Advocate for Petitioner.

Mr. A.I. Patel, Additional Government Pleader a/w. Mr. P.G. Sawant, for
Respondent Nos.1 to 3.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 13TH FEBRUARY 2025

P.C. :

1. Heard learned counsel for the parties and perused the record.
2. The challenge raised in this petition, is to the judgment and order dated 04/03/2022 passed by Member, Maharashtra Administrative Tribunal, Mumbai in Original Application No.404 of 2021. By the said impugned order, the request of the Petitioner for an appointment on compassionate ground is rejected.
3. Few facts necessary for disposal of this petition are as under. One Mr. Chandrakant More ('the deceased' for short), father of the Petitioner was a Police Constable in the State Reserved Police Force ('SRPF' for short), who died on 06/12/1994. He left behind Smt. Jayashree (widow), Ajit (son), and Punam and Amruta (daughters). Amruta is the present the Petitioner. After the death of the deceased, his widow Smt.

Jayashree first applied for compassionate appointment on 11/01/1995 whose name was taken on the waiting list. By an application dated 25/01/1999, Smt. Jayashree requested that in her place, appointment be given to her elder son Ajit, who was a minor at the relevant time. In this application, Smt. Jayashree stated that her mental and physical condition is not well. However the appointment order was issued in the name of Smt. Jayashree on 25/05/1999 by the Collector. In view of the request made earlier, the Commandant SRPF by letter dated 29/06/1999 requested the Collector to cancel the appointment, which was then cancelled. The Commandant, SRPF then deleted the name of Smt. Jayashree from the waiting list and informed her that her son Ajit may apply for an appointment on compassionate ground after attaining majority. It appears that Ajit never applied. Instead of Ajit, Petitioner Amruta applied for appointment on compassionate ground by her application dated 14/02/2006 stating that she has attained majority. This application was ultimately rejected on 24/04/2021, which led to filling of the said Original Application.

4. Learned counsel for the Petitioner submitted that since this is a compassionate appointment, the same be considered leniently. It is submitted that the Petitioner had applied within one year from attaining majority and as such required consideration.

5. Perusal of the impugned order shows that the Respondents have taken a stand that the appointment was already offered to the widow Smt. Jayashree, however, she did not join and now after lapse of 28 years from the date of death, the appointment cannot be given to the Petitioner. It was contended that after lapse of so much time, there is no such necessity or dire need to the family to warrant an appointment on

compassionate ground.

6. It is a settled position of law that the object of granting compassionate appointment to the heir of the deceased is to tide over the financial difficulties faced by the family on account of the loss of earning member. An appointment on the compassionate ground is an exception to the Rule of equality in case the of public employment and as such, there is no vested right to the appointment on compassionate ground.

7. After the death of the deceased in 1994, the appointment was offered to the widow in the year 1999, but it was not accepted which indicates that there was no real and immediate need or requirement for the family. The Tribunal has held so. In fact widow herself requested the department that her elder son Ajit, who was minor at the relevant time (14 years) be given the appointment after attaining majority. The reason stated for such a request is that the widow was not in stable mental condition. The Tribunal has considered that there is nothing on record to substantiate that she was really incapacitated to accept the job. Although the request was made by the widow to consider son Ajit, no such application is made by him after attaining the majority. The Tribunal has also considered a communication dated 15/04/2020 between the SRPF and the government. Perusal of this communication indicates that in the meantime, another daughter of the deceased – Ms. Punam, had also applied for compassionate appointment on 05/02/2014 by stating that the Petitioner (Ms. Amruta) is not interested to work on the post of Junior Clerk. Therefore Ms. Punam had requested for compassionate appointment instead of Ms. Amruta. The said communication also indicates that the request of daughter Ms.

Punam has been rejected in April 2014.

8. Considering the aforesaid circumstances and record, the Tribunal has come to the conclusion that there is no real need for the family and this is not a case fit for appointment on compassionate ground after lapse of 28 years after the death of the deceased.

9. We find that the conclusion drawn by the Tribunal is correct which based on the material available on record. When the appointment was given within 5 years of the death to the widow, it was not taken. The reason stated for not accepting such appointment is not substantiated. Despite pushing name of the son, the son himself did not apply. Instead, both daughters have applied with one daughter stating against the other.

10. For the reasons recorded above, we do not find any reason to interfere with the impugned order. The writ petition is accordingly dismissed. No order as to costs.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)