

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6826 OF 2025**

Kakade Vaishali Vishwanath	...	Petitioner
vs.		
Union of India, Ministry of Home Affairs, MHA and others	...	Respondents

Mr. Ajit Hon for petitioner.

**CORAM : MANISH PITALE, J.
DATE : 09th JUNE, 2025**

P.C. :

. Heard learned counsel for the petitioner. By this petition, the petitioner has challenged the impugned order dated 02.11.2024 passed by respondent No.3, whereby the appeal filed by the petitioner was dismissed.

2. The facts in brief leading up to filing of the present petition are that the husband of the petitioner was an employee with the Central Reserve Police Force, Pune (CRPF) and he was dismissed from service in the first round. But the challenge raised thereto eventually met with success and he was reinstated in service, with liberty to conduct fresh enquiry against him.

3. Thereupon, the respondents conducted fresh enquiry against him and eventually, he was dismissed from service on 11.07.2018. Unfortunately, after about 3 years of dismissal from service i.e. on 08.05.2022, the petitioner's husband died. It is a matter of record that during his lifetime, he did not challenge the said order dated 11.07.2018, dismissing him from service.

4. After his demise, the petitioner, being his widow, filed an appeal not only challenging the order dismissing her husband from service, but also sought relief of appointment under compassionate scheme of CRPF.

5. The learned counsel for the petitioner relies upon grounds raised in the petition and also, a specific statement made in the application for condonation of delay in filing the appeal, to the effect that papers pertaining to filing of appeal, were handed over to the brother of deceased. But, they were not forwarded by him with appropriate instructions for filing the appeal.

6. On this basis, it is submitted on behalf of the petitioner that the impugned order could not have dismissed the appeal on the ground that such an appeal was not maintainable and also, on the second aspect of the matter pertaining to compassionate appointment. It is submitted that the petitioner, being a widow, has no source of income and in these circumstances, respondent No.3 ought not to have passed the impugned order, without giving any finding on the merits of the matter.

7. This Court has considered the submissions upon perusal of the material on record and in that light, the impugned order at Exhibit A. A perusal of the impugned order shows that respondent No.3 has referred to the appeal filed by petitioner and observed that since the husband of the petitioner was dismissed from service on 11.07.2018 and he subsequently expired on 08.05.2022, the appeal filed by the petitioner, as his widow, is not maintainable. Thereafter, reasons are stated as to why the scheme of compassionate appointment is not applicable to the petitioner.

8. This Court is of the opinion that no error can be attributed to respondent No.3 in passing the impugned order. It is an admitted position that the husband of the petitioner, who was an employee dismissed from service as far back as on 11.07.2018, chose not to challenge his dismissal from service. He died on 08.05.2022 i.e. about 3 years after being dismissed from service. In such a situation, when the aggrieved person raised no grievance in the matter and failed to challenge his order of dismissal, respondent No.3 is justified in holding that the petitioner, being the widow after the death of her husband, cannot be permitted to challenge the order of dismissal.

9. Insofar as the applicability of scheme of compassionate appointment is concerned, the impugned order records that the said scheme is applicable to dependents of deceased Government employees, who have died in service; dependents of the deceased, who retired on medical grounds or to family members of missing Government employees. The petitioner does not fit in any of the categories and hence, there is no question of applicability of the scheme of compassionate appointment.

10. In view of the above, no error can be attributed to the impugned order and therefore, the writ petition is dismissed.

(MANISH PITALE, J)

Priya Kambli

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