



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.3474 OF 2024

MANISH GOKUL BAREWAR

Vrs.

UNION OF INDIA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Kshitij V. Kothale, Advocate for petitioner.
Shri Vijay A. Bramhe, Advocate for respondent Nos.1 to 4.

**CORAM: ANIL S. KILOR AND
RAJ D. WAKODE, JJ.**

DATE : 29/01/2026

1. Heard Shri Kshitij V. Kothale, learned counsel for the petitioner and Shri Vijay A. Bramhe, learned counsel for the respondent Nos.1 to 4.
2. The petitioner before this Court is seeking challenge to the impugned Judgment and order dated 23/11/2017 passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur in M.A. No.211/00269/2016 in O.A. No.211/00292/2016.
3. The aforesaid application was filed by the present petitioner for condonation of delay of almost six years in filing the aforesaid original application. The original application was filed by the petitioner seeking

challenge to the Minutes of the Circle Relaxation Committee dated 06/07/2009, which was communicated to the petitioner vide communication dated 29/12/2009, thereby stating that his request for appointment on compassionate ground is rejected. The father of the petitioner namely; Shri Gokul Barewar was working as an Assistant Superintendent of Post Offices at Wardha and died in harness on 07/01/2007. After the death of his father, the petitioner had applied to the Respondent – Department on 09/10/2007 for grant of appointment on compassionate basis.

4. The aforesaid application of the petitioner for grant of appointment on compassionate basis was considered by the Circle Relaxation Committee and the aforesaid committee held that the family of the petitioner had received substantial retiral benefits and was having its own residential house worth Rs.5,00,000/- and the agricultural land admeasuring 3 acres and thus, the case of the petitioner was not found to be entitled for grant of such appointment on compassionate basis.

5. The aforesaid decision was communicated to the petitioner vide communication dated 29/12/2009. Though the claim of the petitioner for appointment on compassionate basis was rejected in the year 2009, the petitioner did not challenge the aforesaid communication for the period of almost seven years and had filed the original application before the learned Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur on 06/12/2016. As such, there was delay in filing the aforesaid original application and thus, the petitioner filed Miscellaneous Application No.211/00269/2016 for condoning the aforesaid delay.

6. The learned Tribunal after considering the reasons stated by the petitioner, so also the reply of the respondents, had rejected the aforesaid application for condonation of delay vide its Judgment dated 23/11/2017. The petitioner has approached this Court seeking challenge to the aforesaid impugned Judgment dated 23/11/2017 passed by the learned Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur by filing the present writ petition on 30/01/2024. Thus,

the petitioner took another seven years to challenge the Judgment passed by the learned Tribunal for condoning the delay of seven years in approaching the aforesaid Tribunal.

7. The present writ petition filed on 30/01/2024 is listed today before this Court for admission and for issuing notice to the respondents. Thus, the petitioner took another two years i.e. from January, 2024 to January, 2026 for pointing out his grievance before this Court.

8. The aforesaid dates indicate the delay caused at the behest of the petitioner at every stage which has resulted into the passage of time of 19 years from the death of his father on 07/01/2007. The purpose of appointment on compassionate basis is to grant immediate solace and source of income to the family members of the employee, who is the sole bread earner of the family and dies in harness, so that the family is able to maintain themselves.

9. The Hon'ble Apex Court in the case of Umesh Kumar Nagpal Vrs. State of Haryana and others, reported in (1994) 4 SCC 138 in Para No.6 held thus :-

“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.”

10. Similarly, the Hon’ble Apex Court in the case of State of J & K and others Vrs. Sajad Ahmed Mir, reported in (2006) 5 SCC 766 in Para No.11 held thus :-

“11. We may also observe that when the Division Bench of the High Court was considering the case of the applicant holding that he had sought “compassion”, the Bench ought to have considered the larger issue as well and it is that such an appointment is an exception to the general rule. Normally, an employment in the Government or other public sectors should be open to all eligible candidates who can come forward to apply and compete with each other. It is in consonance with Article 14 of the Constitution. On the basis of competitive merits, an appointment should be made to public office. This general rule should not be departed from except where compelling circumstances demand, such as, death of the sole breadwinner and likelihood of the family suffering because of the setback. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say “goodbye” to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution.”

11. Thus, in our considered opinion, since the petitioner and his family has survived for more than 19 years now, after the death of his father on 07/01/2007,

the aforesaid fact substantiates the reason of the Circle Relaxation Committee for rejecting the application of the petitioner for grant of compassionate appointment.

12. Shri Kothale, learned counsel for the petitioner was not able to point out any perversity in the impugned Judgment dated 23/11/2017 passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur, rejecting the condonation of delay application filed by the petitioner.

13. In view of the above, there is no merit in the present writ petition and accordingly, the present writ petition is dismissed. No order as to costs.

[RAJ D. WAKODE, J.]

[ANIL S. KILOR, J.]