



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 724 OF 2025

Hrishikesh s/o Arun Game
Aged about 25 years.
Occupation: Nil.
R/O Plot No. 53-A
Ramna Maroti Road
Near NIT Ground, Nagpur
Tq. & Dist. Nagpur 440 024

...PETITIONER

VERSUS

1. The Chief Executive Officer,
Zilla Parishad, Nagpur
General Admn Department
New Administrative Building
Civil Line Nagpur -440 001
2. The State of Maharashtra
through its Secretary,
Rural Development Department
Mantralaya Mumbai - 400 032.

...RESPONDENTS

Shri V.A. Kothale, Advocate for petitioner
Shri G.G. Mishra, Advocate for respondent No.1
Ms M.S. Naik, AGP for respondent/State

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.

RESERVED ON : **30.01.2026**
PRONOUNCED ON : **04.02.2026**

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.

3. The present petition challenges the decision/communication dated 22.07.2024, by which the respondent No.1 has rejected the claim for compassionate appointment of the petitioner. The facts as can be seen from the petition are stated in a narrow compass and are as under:

The father of the petitioner, namely, Arun Rambhau Game, was working on the post of Assistant Teacher in the Secondary School run by the respondent No.1, Zilla Parishad, Nagpur, from the year 1992, till his untimely death on 05.05.2024, while rendering service. It can also be seen from the petition that his

mother is also in service as a primary school teacher in Zilla Parishad, Nagpur.

4. After the death of the father of the petitioner, he applied to the respondent for compassionate appointment in the prescribed format, and ultimately, the said request was rejected vide order dated 22.07.2024, which is impugned in the present petition.

5. We have heard Shri V.A. Kothale, learned Counsel for the petitioner, and also Shri G.G. Mishra, learned Counsel for the respondent No.1, and Ms M.S. Naik, Assistant Government Pleader for respondent No.2/State.

6. Shri Kothale, learned Counsel for the petitioner, primarily raises a ground that the impugned order is contrary to the policy of the compassionate appointment as spelt out in the Government Resolution dated 21.09.2017. It is his submission that the respondent No.1 did not make any enquiry about financial capability of the family of the petitioner and only considered the employment of his mother as a hurdle for granting the compassionate appointment. He further submits that the claim for

compassionate appointment has to be independently assessed in terms of the Government Resolution, and more particularly, Clause 5 thereof. By taking us through the record and 3rd Sub-clause of Clause 5, the learned Counsel for the petitioner submits that a meaningful reading of the said clause would reveal that it contemplates an enquiry to be conducted. The respondent, having omitted to do so, cannot be said to have properly assessed the situation in hand. It is therefore his submission that the claim is improperly rejected and prays for the quashing of the rejection.

7. Per Contra, learned Counsel Shri Mishra for the respondent No.1 submits that the mother of the petitioner is receiving a monthly pension and has also received a lump-sum amount towards the death cum retirement gratuity of the deceased father. He further submits that the petitioner is the nominee of the mother for all retirement benefits and therefore cannot be said to be having any financial hardship. It is therefore his submission that the proposal of the petitioner for compassionate appointment is rightly rejected. He relied on a judgment reported in ***2025 SCC OnLine SC 290, Canara Bank versus Ajitkumar G.K.***

8. We have considered the contentions canvassed by the learned Counsel for the parties and also perused the Government Resolution dated 21.09.2017, which is a policy for compassionate appointment in such cases. Clause 5 of the said Government Resolution speaks about the precarious condition of the family. Sub Clause 3 of the said clause provides for a contingency that if a relative of the deceased employee is in service but is not providing succor to the other members, utmost care has to be taken by the Competent Authority while assessing the financial capability of the family. The said provision also contemplates that this is with the intention that the scheme for compassionate appointment is not to be misused. If the impugned communication is tested on the anvil of the above-referred communication, the only reason for rejecting the said communication is that the mother of the petitioner, namely, Sangeeta Arun Game, and widow of the deceased Arun Game, is serving as a school teacher in Zilla Parishad School. The impugned communication, therefore, records that the object of compassionate appointment is to provide immediate relief to the family, and then goes on to reject the claim.

9. As has been held by the Hon'ble Supreme Court in the judgment cited by the learned Counsel for the respondent, the aim of compassionate appointment is to provide immediate succor to the family. In paragraph No. 29, the Hon'ble Supreme Court after taking into consideration the entire case law, relating to compassionate appointment has recorded that the underlying idea behind compassionate appointment in death-in-harness cases appears to be that the premature and unexpected passing away of the employee, who was the only bread earner for the family, leaves the family members in such penurious condition that but for an appointment on compassionate ground, they may not survive. Thus, it is only in "hand-to-mouth" cases that a claim for compassionate appointment ought to be considered and granted, if at all other conditions are satisfied.

10. There can be no dispute about this proposition. However, in the present case, as stated supra, the only reason for rejecting the proposal for compassionate appointment seems to be the fact of the wife of the deceased employee being in service. However, what is absent in the impugned communication is any enquiry done by the Competent Authority in that regard, regarding the fact that

whether the mother of the petitioner is, in fact, maintaining the petitioner. In this regard, it is pertinent to note that after the rejection of his claim on 22.07.2024, the petitioner has made a representation to the Chief Executive Officer, Zilla Parishad, Nagpur, i.e., respondent No.1, to reconsider the rejection. Admittedly, the said representation is still pending with the respondent. It would be therefore, in the fitness of things to direct the respondent No.1 to reconsider the rejection in the order dated 22.07.2024, and consider the representation dated 24.12.2024, made by the petitioner. In that view of the matter, we pass the following order:

ORDER

- i) The Writ Petition is allowed.
- ii) The letter/communication dated 22.07.2024, passed by the respondent No.1, Zilla Parishad, Nagpur, is quashed and set aside.
- iii) The respondent No.1 is further directed to consider the representation made by the petitioner on 24.12.2024, in light of the Government Resolution dated 21.09.2017, and/or any other policy governing compassionate appointment, applicable to the respondents.

iv) The petitioner to appear before the Zilla Parishad/respondent No.1 on 06.02.2026 and to apprise the respondent No.1 of this order.

11. The petition is disposed of as such.

12. The Rule is made absolute in the above terms

(NANDESH S. DESHPANDE, J.) (SMT. M.S. JAWALKAR, J.)

Jayashree..