IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1134 OF 2026

Somanth S/o. Sambhaji Chitte ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
   through its Secretary,
   Department of Village Development,
   Mantralaya, Mumbai.
2. District Collector,
   Latur.
3. The Chief Executive Officer,
   Zilla Parishad, Latur
4. Executive Engineer,
   Department of Rural Water Supply,
   Zilla Parishad, Latur ... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. Mayur M. Subhedar
AGPs for Respondents No.1 and 2 : Ms. Neha B. Kamble
Advocate for Respondent No.3 : Mr. U.B. Bondar
Advocate for Respondent Nos.4 and 5 : Mr. V.V. Gujar

...

CORAM : NITIN B. SURYAWANSHI & ABASAHEB D. SHINDE, JJ.

Reserved on : 10.09.2026

Pronounced on : 05.10.2026

JUDGMENT (PER: ABASAHEB D. SHINDE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is finally heard at the stage of admission.

2. The petitioner before this Court is a legal heir of deceased Zilla Parishad Employee, he seeks to challenge the action of Zilla Parishad thereby refusing to consider his claim for compassionate appointment on the ground that, the salary of the deceased employee was paid from self-generated funds of the Zilla Parishads and not from Government funds.

3. The core question that falls for consideration in this Writ Petition is, whether the scheme for compassionate appointment is applicable to a permanent employee on the establishment of the Zilla Parishad, who is paid from the self-generated funds of the Zilla Parishad ?

Factual Matrix : -

i) The petitioner's father was initially appointed with Respondent No.4 Department, which falls under Respondent No. 3 - Zilla Parishad, on a temporary basis to the post of Hand Pump Helper. His service was thereafter regularized by Respondent No. 3, however, he expired while in service.

ii) Upon death of petitioner's father, he made application to Respondent No. 3 seeking appointment on compassionate ground. Pursuant thereto, Respondent No.3 placed him on the waiting list.

iii) Respondent No. 3 published another waiting list of eligible

candidates for compassionate appointment. However, name of the petitioner was found in a separate chart prepared in respect of candidates whose fathers were working on posts maintained from the self-generated funds of Respondent No. 3 - Zilla Parishad.

iv) The petitioner, therefore, made representation, thereby requesting Respondent No. 3 to consider his claim for appointment on compassionate ground.

v) Respondent No. 3, however, relying upon the Government Resolution dated 31.07.2025, by which the State Government declared that the legal heirs of deceased employee who was working on posts maintained from the self-generated funds of the Zilla Parishad would not be entitled to the benefit of the scheme for compassionate appointment, rejected the petitioner's claim. The petitioner, therefore, has approached this Court.

4. Learned counsel for the petitioner submits that, since the petitioner's father was treated as regular employee of the Zilla Parishad, his case could not have been placed in a separate category of employees whose salaries were paid from the self-generated funds/income of the Zilla Parishad. He submits that the approach of Zilla Parishad, thereby depriving the petitioner from claiming

compassionate appointment only on that ground is therefore unsustainable. In support of his submission he has relied on the decision of this Court, in Writ Petition No.9119 of 2021, in the case of **Amol Sahebrao Suryawanshi Vs. State of Maharashtra and others**, along with connected Writ Petitions, decided on 20-08-2022.

5. Per contra, learned counsel appearing for the Zilla Parishad, by heavily relying upon the Government Resolution dated 31.07.2025, submitted that, as per the audit report of the Local Fund Audit Department, the dependents of employees whose salaries were paid from the self-generated funds of the Zilla Parishad, were not eligible for appointment on compassionate grounds, as the concerned scheme is not applicable to such category of employees. It is, therefore, urged that the Writ Petition deserves to be dismissed.

6. We have heard learned counsel for the petitioner, learned counsel appearing for the Zilla Parishad, learned AGP, and have perused the record.

7. The issue involved in this Writ Petition is no longer *res integra* in view of ratio laid down by this Court in the case of ***Amol Sahebrao Suryawanshi*** (supra), wherein this Court held thus:

*"19. In the case of **Ashish Vinayak Kute** (supra), the deceased*

employee was working on the post of Hand Pump Electrician, which was created by the Zilla Parishad by paying salaries and other benefits through its maintenance and repairs fund. Relying on the case of another employee whose salary was also paid from maintenance and repairs fund of the Zilla Parishad and whose ward was granted compassionate appointment, this Court allowed the writ petition directing consideration of the case of the petitioner therein for compassionate appointment. It appears that despite the order dated 02.07.2013 passed in Writ Petition No. 5801 of 2012, the Zilla Parishad Aurangabad once again rejected the case of the petitioner therein for compassionate appointment on the ground that his father was not a permanent employee. Therfore, this Court was again required to pass an order dated 04.12.2015 in Writ Petition No. 5910 of 2014 holding that it was not open for the Zilla Parishad to come to the conclusion that the employee was not permanent on account of the previous order dated 02.07.2013. It was therefore directed to treat the deceased employee as permanent for the purpose of consideration of the case for compassionate appointment.

20. *In the case of* ***Bhakti Nandkumar Jagdale*** *(supra), the application for compassionate appointment was rejected on the ground that the salary of the deceased employee was paid from Zilla Parishad funds and not from the Government funds. By relying on various orders previously passed, this Court allowed the petition directing consideration of the case for compassionate appointment by treating the deceased employee as permanent. Similar orders are also passed in the case of* ***Shubham Papanna Darelu Vs. The State of Maharashtra dated 18.04.2016 in Writ Petition No. 10296 of 2015.***

21. *We are therefore of the considered opinion that the respondent Zilla Parishad erred in rejecting the case of the petitioners for compassionate appointment solely on the ground that the salary of the deceased employee was being paid through the self generated funds/income of the Zilla Parishad. We hold that even the employees who were being paid initially from self generated funds/income of the Zilla Parishad and later on conferred permanent status and brought on permanent establishment of the Zilla Parishad are*

also required to be treated as covered in the scheme for compassionate appointment.

22. Consequently, we allow the present petitions and direct the respondent/Zilla Parishad to consider the cases of the petitioners for compassionate appointments on their own merits within a period of three (03) months from today and communicate orders on the applications to the respective petitioners."

8. In the light of aforesaid observations of this Court, we are of the view that the stand taken by the respondent- Zilla Parishad that, the deceased employee was working on the post maintained from self-generated funds and, therefore, his legal heir is not entitled to compassionate appointment, is arbitrary and unreasonable. We thus find that the claim of the petitioner for appointment on compassionate ground deserves to be considered. In this view of the matter, the Writ Petition deserve to be allowed. Hence, we pass the following order:

O R D E R

I. The Writ Petition is allowed.

II. The Respondent Nos.3 and 4 are directed to consider the case of the petitioner for compassionate appointment on its own merits within a period of three months from the date of communication of this order and communicate the order passed on his application.

III. Rule is thus made absolute in the above terms, with no order as to costs.

(ABASAHEB D. SHINDE, J.) **(NITIN B. SURYAWANSHI, J.)**

habeeb/