

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1039 OF 2002

GURU BACHANSING MITSING LONIWALE
VERSUS
THE STATE OF MAHARASHTRA & ORS.

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Advocate for Petitioner : Mr. Vivek Dhage
AGP for Respondents: Mr. U S Mote

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: January 22, 2015

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PER COURT :-

1. This petition is filed for issuance of Mandamus or other appropriate Writ directing the Respondents to appoint the petitioner in Class-IV cadre on compassionate grounds. Facts are as under :-

The petitioner's father Mitsing was an employee of Remand Home at Nanded. The management of this Remand Home was taken over by the Government in the year 1986. Mitsing continued to work in the establishment till he died prematurely in 1993. Immediately after his untimely death, the petitioner- his son sought employment on compassionate ground in place of his father. The Government informed him in reply that, his case cannot be

considered because his father's status from 1986-1993 as Government Employee is yet undecided. The letter also informed him that, the Government is likely to take such decision shortly.

2. We came across a Government Resolution of 16.08.2007 in which the Government's decision on the subject mentioned above was announced. It is said that, employees of Remand Homes at Nanded and other places would be given status of the Government Employees from the date when the Government took over the management of such Remand Homes. In this case, Mitsing was serving with Remand Home on the day when the Management of it was taken over by the Government. So, Mitsing has achieved the status of Government Servant. In view of this change, it is necessary for the Divisional Women and Child Development Directorate, Pune to take decision on the petitioner's request which is pending since 1994. Such decision shall be communicated to the petitioner within two months from today.

3. Interim order passed in favour of the petitioner shall continue till the decision is communicated to the petitioner.

4. Writ Petition is disposed of.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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aaa/-