

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.377 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.D.Ghayal, advocate for the Petitioner.
 Mr.S.H.Joshi, advocate for Respondent No.2 absent.
 Mrs.Y.M.Kshirsagar, Asstt. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
 A.I.S.CHEEMA, JJ.**

Date : 13.04.2015.

PER COURT :

1. Mr.Ghayal, learned counsel for the petitioner submits that the petitioner was entitled for appointment on compassionate ground, on account of death of the husband of the petitioner who fell down from electricity pole and received fatal injury to the head and died. The petitioner lodged her claim well within time. However, on 3.9.1992, the Respondent appointed the petitioner on consolidated salary of Rs.5,000/- (Rupees five thousand) p.m. The same is against the policy of compassionate appointment. The petitioner contended that the petitioner was wrongfully terminated by the Respondent. The petitioner filed Complaint (ULP) No.377/1994. The same is allowed. The Respondent herein is

directed by the Labour Court to reinstate the petitioner with continuity in service with effect from 1.11.1994, but without back wages. The said order has become final. The petitioner in fact was entitled for the pay-scale right from the date of appointment on compassionate ground. The petitioner was not paid the said pay-scale, the petitioner is entitled for the same. The services of the petitioner need to be regularised from the initial date of appointment and all consequential benefits be given to the petitioner.

2. On the last date also, none appeared for the Respondent MSEB – Respondent No.2, however, it was adjourned. Today also when the matter is called out, none appears for the Respondent No.2.

3. The Respondent No.3 is represented by Mr. S.H.Joshi, learned counsel.

4. We have gone through the judgment delivered by the Labour Court in Complaint (ULP) No.377/1994, wherein the Labour Court had adjudicated that the appointment of the present petitioner was on compassionate ground. The petitioner has worked from 3.9.1992 as a Peon on compassionate ground. The Labour Court has granted continuity in service and the petitioner is in service since then, as is submitted by learned counsel for the petitioner that from 9.1.2012, MSEB has issued order granting pay-

scale to the petitioner.

5. In light of the aforesaid fact, we pass the following order :

- a) The services of the petitioner for all further benefits shall be counted from the date of initial appointment i.e. 3.9.1992, however, we are not granting any monetary benefits for earlier period. The petitioner shall be considered as regular employee from 1992 and shall be entitled to all further benefits considering his date of appointment as 3.9.1992.
- b) The Writ Petition is accordingly disposed of. Rule discharged. No costs.

(A . I . S . CHEEMA , J .)

(S . V . GANGAPURWALA , J .)

Dt..13.04.2015.
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