

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 841 OF 2005

Bharat s/o Prakash Mahajan [Mali]

Petitioner

V E R S U S

The Divisional Controller,
Maharashtra State Road Transport
Corporation, Jalgaon

Respondent

Mr. V.Y. Patil, Advocate for the petitioner
Mr. M.K. Goyanka, Advocate for the respondent

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATE : 10th September, 2015

PER COURT :

1. This petition has a checkered history. The petitioner's father one Prakash was working as 'Helper' with the respondent since 1981. In 1999, Prakash was terminated on account of absentism. Prakash however took matter of this termination to the Court, and in 2000, the Labour Court ordered his reinstatement with continuity in service. This decision was challenged repeatedly before the Courts, and ultimately, before this Court by way of Writ Petition No. 84 of 2003. On 20th March, 2014, the order setting aside termination of Prakash was confirmed.

2. During pendency of this litigation in 2004, Prakash died. The petitioner moved an application to the respondent for his appointment on compassionate ground on 24th May, 2004. This application remained pending mainly because Writ Petition No.84 of 2003 was pending before this Court. Since the respondent had obtained stay to the order of reinstatement of Prakash, the petitioner's application for appointment on compassionate ground remained undecided. On 20th March, 2014, since the writ petition of the respondent was dismissed, the petitioner's application for appointment on compassionate ground stood revived. The petitioner seeks direction to the respondent to consider the application on merits. This petition should therefore succeed. We direct the respondent to consider the application of the petitioner dated 24th May, 2004 'Exhibit-D' in the light of rules regarding compassionate appointment within two months. In view of above, petition stands disposed of accordingly.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)