

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

55 WRIT PETITION NO. 5821 OF 2014

NIVRUTI DNYANOBA LAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Chavan Sudhir K.
Mr. MM Neralikar, AGP for Respondents: 1 & 2;
Mr. Chandak Raviraj R., Adv. For R 3 & 4.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: April 20, 2015

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PER COURT :-

1) Heard. Upon perusal of impugned communication, wherein it is mentioned that since petitioner's initial appointment was not proper, benefit of appointment on compassionate ground to his legal heir, cannot be given.

2) We have perused the extract of Service Roll, which shows that not only the petitioner was placed in regular pay scale, but thereafter revised pay scale was also made applicable to him. It is not in dispute that father of the petitioner has rendered services from 1996 till 26.11.2012. Therefore, in our opinion, the reasons stated in the communication and the reply filed by Respondent No.3, could not sustain in the light of service record of the petitioner. In that view of the matter, the impugned decision/communication is set aside. Respondent No.3 is directed to re-consider the claim of the petitioner in the light of his service record, as expeditiously as possible and preferably on or before 30th May, 2015. Needless to observe that in case the concerned authority wishes to hear the petitioner, the petitioner can be summoned for hearing.

3) The petition stands disposed of.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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