

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

WRIT PETITION NO. 6909 OF 2015

BANKAT DHONDIRAM BHALEKAR
age 24 yrs, Occ Labour,
R/o Ghatnandur, Tq. Ambajogai,
Dist Beed.

Petitioner.

VERSUS

1. THE STATE OF MAHARASHTRA
Through the Secretary,
Rural Development and Water
Conservation Department
Mantralaya, Mumbai – 32.

2. The Chief Executive Officer,
Zilla Parishad, Beed. Dist. Beed.

3. The Executive Engineer,
Minor Irrigation,
Zilla Parishad, Beed.

4. The Deputy Engineer,
Minor Irrigation,
Zilla Parishad, Beed
Sub Division Ambajogai,
Tq. Ambajogai, Dist. Beed.

.Respondents

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Advocate for Petitioner : Mr. T.G. Gaikwad
AGP for Respondents: Mrs S.D.Shelke
Advocate for Respondents :Mr. S.S.Dambe

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: July 09, 2015

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ORAL JUDGMENT : (Per S.V.Gangapurwala, J.)

1. Rule. Rule made returnable forthwith. With the consent of the parties, taken up for final hearing.

2. Mr. Gaikwad, learned counsel for the petitioner states that, father of the petitioner was working continuously with respondents no.2 to 4 as Sweeper since 1.1.1984, who was also made permanent. While in service, father of the petitioner died on 19.1.2015. Petitioner filed an application seeking appointment on compassionate ground. Said application is within prescribed period of limitation, however the application of the petitioner seeking appointment on compassionate ground is rejected solely on the ground that father of the petitioner was working under 'Maharroof Agreement', is not eligible to be considered for appointment on compassionate ground.

3. Learned counsel submits that, father of the petitioner had given an option to be considered under the Kalelkar Agreement much prior to his death. Learned counsel submits that, even if father of the petitioner is considered to have been made permanent, still, the benefit of compassionate appointment cannot be denied.

4. We have heard Mr. Dambe, learned counsel for respondent Zilla Parishad and learned AGP for the State.

5. This Court in number of writ petitions has time and again held that even appointment made permanent under the Maharroof Agreement, the legal heirs of said employee would be entitled for benefit of compassionate appointment. Orders are annexed to the

petition (Exh.F) collectively.

6. In light of the above, impugned order dated 2.4.2015 is quashed and set aside. The Respondent No.2 shall consider the application of the petitioner for appointment on compassionate ground, on its own merits, and shall not reject it on the ground that father of the petitioner was appointed under MAARUF Agreement. Decision of the same be taken expeditiously preferably within THREE MONTHS.

7. Writ Petition disposed of. Rule accordingly made partly absolute. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-