

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

...

WRIT PETITION NO. 558 OF 2015

...

REENA RAJU PAIKADE

VERSUS

THE STATE OF MAHARASHTRA AD ANOTHER

...

Advocate for Petitioner : Mr. D.V. Soman

AGP for Respondent 1: Mr. D.R.Korde

Advocate for Respondent 2 : Mr. S.S.Tope

...

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

Dated: July 03, 2015

...

PER COURT :-

1. Mr. Soman, learned counsel for the petitioner states that petitioner is entitled for appointment on compassionate ground. Order rejecting the request is illegal. Husband of the petitioner was appointed as Class IV employee in the year 2006. Though husband of the petitioner came to be terminated by the Respondent No.2 on the ground of recommendations of Lad Committee. Thereafter, complaint was filed before the Labour Court which is allowed. According to the learned counsel, the petitioner is entitled for appointment on compassionate ground.

2. Mr. Tope, learned counsel for Respondent No.2 submits that order of the Labour Court in ULP NO.37/2010 was assailed before the Industrial Court by filing Revision. Said Revision is allowed. Husband of the petitioner is terminated from service. That termination stands confirmed by order of the Industrial Court. As such, petitioner is not entitled for appointment on compassionate

ground.

3. We have considered the submissions canvassed by the learned counsel for the parties.

4. It is not disputed that husband of the petitioner was terminated from services after one year. Husband of the petitioner had filed complaint ULP No.37/2010 before the Labour court. Said ULP was allowed. Husband of the petitioner was re-instated and in the meantime, husband of the petitioner died. The Respondent No.2 filed revision before the Industrial Court bearing Revision No.59/2013. Said Revision came to be allowed. Judgment and Order passed by the Labour court in complaint ULP No.37/2010 was set aside and complaint was dismissed.

5. In view of the dismissal of the complaint by the Revisional Court, the order of termination of the husband of the petitioner stands confirmed. In light of that, impugned order passed by Respondent No.2 cannot be faulted with.

6. Writ petition as such stands dismissed. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

...

aaa/-