

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1822 OF 2015

Sakhubai wd/o Gorakh Agale,
Age : 30 years, Occu. Nil,
R/o Rajiv Gandhi Nagar,
Khultabad, Tq. Khultabad,
District Aurangabad

PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary, Urban
Development Department,
Mantralaya, Mumbai – 32
2. The Commissioner & Director
Municipal Administration,
Maharashtra State, Mumbai
3. The Collector,
Aurangabad,
4. Nagar Parishad, Khultabad,
through Chief Officer,
Khultabad, Tq. Khultabad,
District Aurangabad

RESPONDENTS

Mr. Chandrakant V. Thombre, Advocate for the Petitioner
Mr. P.N. Kutti, A.G.P. for respondent Nos. 1 to 3
Mr. V.A. Bagal, Advocate for respondent No. 4

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : 1st AUGUST, 2016

PER COURT :

Heard the learned counsel for the petitioner,
the learned A.G.P. and the learned counsel for
respondent No.4. With their able assistance, we have

perused the grounds raised in the petition, the annexures thereto and the reply filed by respondent No.4.

2. It appears that the petitioner's application for appointment on compassionate ground has been rejected on the ground that there was no scheme at the relevant time to consider such an application for appointment on compassionate ground to the legal representatives of the deceased sweeper. It appears that the petitioner's husband died during the course of employment of respondent No. 4. Thereafter, the petitioner filed an application on 18th March, 2006 praying therein for appointment on compassionate ground. She also filed another application on 3rd December, 2013. However, as already observed, both the applications of the petitioner were rejected on the ground that there is no policy to consider such application for appointment on compassionate ground to the legal representatives of the deceased employee.

3. The learned counsel for the petitioner has tendered across the bar the copy of the Government Resolution dated 11th March, 2016, issued by the Social

Justice and Special Assistance Department, Government of Maharashtra. The same is taken on record. Sub-clause (3) of Clause (3) of the said Government Resolution reads thus :-

“3) सफाई कर्मचारी म्हणून सेवानिवृत्त झालेल्या किंवा होणा-या अथवा स्वेच्छानिवृत्ती घेणा-या किंवा सेवेत असतांना निधन पावलेल्या अनुसूचित जातीमधील इतर सफाई कर्मचा-याच्या वारस किंवा नातेवाईक यास सदर योजनेचा लाभ देण्यात यावा.”

4. By the aforesaid Govt. Resolution, the Government has made provision for the legal representatives of the deceased employee who was working as Sweeper on the Establishment of respondent No. 4, for appointment on compassionate ground. In that view of the matter, We pass the following order :-

- (i) The impugned communication dated 18th January, 2014, issued by respondent No. 4 stands quashed and set aside.
- (ii) Respondent No. 4 is directed to re-consider the applications of the petitioner dated 18th March, 2006 and 3rd December, 2013 as expeditiously as possible; however, within a period of eight

weeks from today, keeping in view the provisions of the Govt. Resolution dated 11th March, 2016. In case the proposal is considered in favour of the petitioner, respondent No. 4 shall forward the said proposal to respondent No. 3 as expeditiously as possible; however within four weeks from the date of taking such decision. Upon receipt of such proposal by respondent No. 3, respondent No. 3 shall take decision thereon within a period of four weeks thereafter. The entire exercise would be completed by respondents No. 3 and 4 within a period of sixteen weeks from today and communicate the said decision to the petitioner.

(iii) The Writ Petition stands allowed and disposed in the above terms.

(iv) No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE