

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

WRIT PETITION NO. 3162 OF 2016

Narayan S/o Dhanaji Rathod .. Petitioner
Age. 32 years, Occ. Nil,
R/o. At Post. Janwal, Tq. Chakur,
Dist. Latur.

Versus

1. The State of Maharashtra .. Respondents
Through its Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Latur.
3. The Deputy Chief Executive Officer,
Zilla Parishad, Latur.
4. The Executive Engineer (W),
Zilla Parishad, Latur.
5. The Deputy Engineer (W),
Zilla Parishad, Sub-Division,
Ahmedpur, Dist. Latur.

Mr. S.B. Bhosale, Advocate for the petitioner.
Mr. C.V. Dharurkar, A.G.P. for respondent No.1/State.
Mr. P.R. Tandale, Advocate for respondent Nos. 2 to 5.

**CORAM : S.S. SHINDE &
SANGITRAO S. PATIL, JJ.
DATED : 04.05.2016**

ORAL JUDGMENT [PER : S.S. SHINDE,J.] :-

1. Rule. Rule made returnable forthwith and heard forthwith with the consent of the parties.

2. It is case of the petitioner that father of the petitioner, namely, Dhanaji S/o Jema Rathod was working with respondent Nos.2 to 5 as Mail-Worker (Mail-Kamgar) on a permanent post with Ahmedpur Sub-Division. However, unfortunately, during the course of employment, on 20th November, 2008, father of the petitioner died. It is further case of the petitioner that since family of the petitioner is facing difficulties, the petitioner applied for appointment on compassionate ground on 03.12.2008. However, by impugned communication, the Chief Executive Officer, Zilla Parishad, Latur, communicated the petitioner that no appointment can be given to the legal representatives who have accepted MAARUF Agreement. Hence, this petition.

3. Learned Counsel appearing for the petitioner invited our attention to the judgments of Division Bench

of this Court in the cases of Sharad s/o. Vishnu Mali Vs. The State of Maharashtra & Ors. (W.P. No. 5501 of 2008 & connected petition decided on 28.11.2008), Jalindar Rawan Awate Vs. State of Maharashtra & Ors. (W.P. No. 5286 of 2011 decided on 17.10.2011), Sunita w/o. Navnath Lokhande Vs. The State of Maharashtra & Ors. (W.P. No.2654 of 2013 & connected petition decided on 05.09.2013) & Namdeo s/o. Tukaram Sasane Vs. The State of Maharashtra & ors. (W.P. No.106 of 2015 decided on 13.01.2015) and submits that in the said decided cases also controversy in respect of whether appointment can be given to the legal representatives of the deceased employee who accepted MAARUF Agreement was involved. In all these aforementioned unreported judgments, the Division Bench has taken a view that rejection of the claim of appointment on compassionate ground on the ground that the deceased employee was working under MAARUF Agreement was erroneous.

4. In that view of the matter, in the present case also, the petitioner's claim for appointment on compassionate ground has been rejected on the ground that petitioner's father accepted MAARUF Agreement. In our opinion as already observed, the issue raised in this petition is no longer res-integra and covered by the aforesaid judgments. In that view of the matter the

impugned communication is quashed and set aside. If there is vacancy, the respondents are directed to consider expeditiously the prayer of the petitioner for appointment on compassionate ground subject to fulfillment of other conditions.

5. The writ petition is disposed of in above terms. Rule made absolute accordingly. No costs.

Sd/-

[SANGITRAO S. PATIL,J.]

Sd/-

[S.S. SHINDE,J.]