

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

**WRIT PETITION NO. 6922 OF 2016**

The Chief Officer,  
Municipal Council, Pathardi.  
Nanbhau s/o Vishwnath Mahanwar,  
Age : 49 years, Occupation : Service,  
R/o Quarter of Municipal Council,  
Pathardi,, Tq.Pathardi,  
District Ahmednagar.

...PETITIONER

**-VERSUS-**

Bhagwan s/o Raibhan Kalokhe,  
Age : Major, Occupation : Nil,  
R/o Pathardi, Tq.Pathardi,  
District Ahmednagar.

...RESPONDENT

...

Advocate for Petitioner : Shri Naiknavare Ramesh V.  
Advocate for Respondent : Shri Barde Parag Vijay.

...

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 18<sup>th</sup> October, 2016**

**Oral Judgment :**

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

2            By order dated 19.08.2016, this Court had observed as

under:-

- "1. This matter is heard for some time. The impugned judgment of the Industrial Court refers to clause 43(A) of the Government order No.23-A dated 01/08/2006 while granting relief to the respondent. However, clause 43(B) has not been considered.
2. Ex-facie, it appears that clause 43(A) provides for the categories in which the retiring parent used to work so as to entitle the legal heir to seek employment in his place. Clause 43(B) pertains to the eligibility criteria prescribing that the said parent should retire on medical grounds so as to create a right for the legal heir to be inducted in employment.
3. Mr.Barde submits that he would consider this position and would make his submissions on the next date.
4. Stand over to 07/09/2016 for further consideration.
5. Interim relief, granted earlier, to continue."

3           The Petitioner, who is challenging the judgment and order dated 03.05.2016 delivered by the Industrial Court in Complaint (ULP) No.13/2015, submits that the Industrial Court has wrongly directed the Petitioner to provide a job to the Respondent/ original Complainant on compassionate ground within a period of one month. It is further stated that the claim of the Respondent was not for compassionate appointment, but was based on the Lad Committee Recommendations.

4           Recent developments with regard to the Lad Committee Recommendations need to be taken into account. The learned Division Bench of the Court at the Nagpur Bench, vide its order dated 07.05.2015

in Writ Petition No.6155/2014 (*Nitin Ganesh Chandraliya and others vs. Nagpur Municipal Corporation and others*), has dealt with the issue of Safai Kamgars and the Lad Committee Recommendations with regard to the State instrumentalities. It is known to all that the Lad Committee Recommendations are commonly termed as "Vashila Paddhat". This Court, therefore, in its order dated 07.05.2015 was of the view that the policies evolved from the Lad Committee Recommendations may not be relevant in the present age. A statement was made on behalf of the Government that the said Lad Committee Recommendations would be reconsidered.

5           The Government Resolution dated 10.11.2015 is placed on record by Shri Barde which indicates that the case of the Respondent is squarely covered by clause (C) (*Marathi clause "k"*). It is then pointed out from the Government Resolution dated 11.03.2016 placed on record that the view expressed by this Court in the order dated 07.05.2015 was considered by the Department of Social Justice and Special Assistance, Government of Maharashtra and it was specifically concluded in clause 3(2) that the Lad Committee Recommendations would continue to apply and the policies devised by the State Government pursuant thereto would continue to be in force. In my view, the case of the Respondent, therefore, is squarely covered by clause 3(2) and 3(3) of the said Government Resolution dated 11.03.2016.

6           Once the State Government has decided to continue to enforce the policies devised under the recommendations of the Lad Committee, this petition fails.

7           However, it needs to be clarified that the Industrial Court has used an incorrect term "compassionate ground" in the judgment. The Respondent had never claimed compassionate appointment. The said words, therefore, shall be ignored.

8           In the light of the above, this Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

*kps*

**(RAVINDRA V. GHUGE, J.)**