

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.574 OF 2016

[Smt. Vaishali wd/o Vilas Wankhade .vs. The Chief Executive Officer, Zilla Parishad, Yavatmal and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, counsel for the petitioner,
Shri Bhalerao, counsel for the respondents.
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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JUNE 07, 2016.

By this writ petition, the petitioner seeks a direction to the respondents to grant compassionate appointment to the petitioner, on their establishment.

It is the case of the petitioner that the late husband of the petitioner was working in the residential school of the respondent–Zilla Parishad on temporary basis from 2002 to 2013. According to the petitioner, the State Government had passed a resolution in the year 2014 that the services of such employees, like the husband of the petitioner, should be considered for regularization. The husband of the petitioner however met with an accident and expired on 7.4.2014. The petitioner immediately applied for compassionate appointment in August-2014. The request of the petitioner was rejected by the respondents. The petitioner has filed the instant petition in the aforesaid set of facts.

Shri Bhalerao, the learned counsel for the respondents submitted, on instructions, that the petitioner's husband never worked on the regular establishment of the respondent – Zilla Parishad. It is denied that the husband of the

petitioner had sought regularization of his services on the establishment of the Zilla Parishad in pursuance of the Government Resolution. It is submitted that neither was the petitioner's husband employed on the establishment of the Zilla Parishad nor did the petitioner's husband apply for regularization. The learned counsel sought for the dismissal of the writ petition.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. Several disputed questions of facts arise for determination in this writ petition. Even, according to the petitioner, the husband of the petitioner was working on contract basis and if that be so, the petitioner would not have any right to seek appointment on compassionate ground merely on the basis of the Government Resolution permitting the local bodies to consider regularizing the services of the employees, that had worked for decades. It cannot be canvassed that the petitioner's husband should be considered to be a deemed confirmed employee and that the petitioner should be appointed on that basis on compassionate ground.

Since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE