

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7906 OF 2015

Alka Ramdas Sabale Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.P.Kothari, advocate holding for Mr.S.S.Bora, advocate for the petitioner.
Mr.M.B.Bharaswadkar, A.G.P. for the State.
Mr.M.M.Patil (Beedkar), advocate for Respondent No.2.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 18.01.2017.

PER COURT :

1. Heard.
2. Learned counsel for the petitioner submits that the husband of the petitioner was working with Respondent Municipal Council as a sweeper. While in service, the husband of the petitioner died. The petitioner applied with the Municipal Council, seeking appointment on compassionate ground. The said application is rejected on the ground that the petitioner has not obtained consent of the other legal heirs. The learned counsel submits that as per recommendations of Lad Committee in Circular dated 21.10.2011, the persons eligible to be appointed on compassionate ground are

spelt out. The mother-in-law or brother-in-law are not entitled for appointment on compassionate ground. The petitioner has a minor daughter aged 10 years. She is not eligible for appointment. According to the learned counsel, there was no impediment to consider the application of the petitioner.

3. Mr. Patil, learned counsel for the Municipal Council, submits that petitioner had applied for legal heirship certificate in which it was found that there are other legal heirs. The application of the petitioner was rejected. In that application the petitioner had also prayed for relief seeking appointment on compassionate ground. The petitioner is required to comply all the legal requirements.

4. The petitioner on oath states that apart from minor daughter, the mother-in-law and brother-in-law, there are no other heirs. As per recommendations of the Lad Committee, evident from the Circular dated 21.10.2011, the persons eligible to be appointed on compassionate ground are detailed. The mother-in-law or brother-in-law i.e. the mother or the brother of the deceased are not eligible to seek appointment on compassionate ground. The daughter is stated to be 10 years of age. She also would not be eligible for appointment on compassionate ground. As such it would be the petitioner alone who would be entitled to seek appointment on compassionate ground on account of death of her deceased husband

while in service.

5. In view of the above, the letter dated 19.3.2015, issued by the Respondent No.2, rejecting the application of the petitioner seeking appointment on compassionate ground is set aside. The Respondent No.2 shall consider the application of the petitioner for appointment on compassionate ground as if the petitioner is the only candidatee who can be considered for appointment on compassionate ground in place of deceased Ramdas Sabale. The petitioner would be required to make compliance as may be required by the Respondent No.2.

6. The Writ Petition is accordingly allowed in above terms. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.18.01.2017.
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