

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.623 OF 2017
(Samadhan Suresh Shendge and another Vs. Secretary and others)

Mr.Shaikh Samir Ahmad Saifuddin, Advocate for the petitioners.
Mr.S.P.Tiwari, AGP for respondent No.1/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/01/2017

PER COURT :

1. The petitioners are complainant Nos. 2 and 3 in Complaint (ULP) No.163/2013 initially filed by respondent No.5 Manisha, who has claimed to be the second wife of the deceased Suresh Shendge. Complaint (ULP) No.163/2013 is for seeking compassionate appointment in place of the deceased Suresh Shendge who was working with respondent Nos.3 and 4 and retiral benefits.

2. The grievance of the petitioners is that though application Exhibit UA-7 filed by the petitioners seeking addition of more issues has been partly allowed, they are not satisfied with the additional issues framed.

3. I have considered the strenuous submissions of Mr.Shaikh,

learned Advocate for the petitioners and the learned AGP on behalf of respondent No.1.

4. I find that the issue before the Industrial Court is about service benefits concerning the deceased Suresh Shendge as well as the claim as regards compassionate appointment in his place.

5. The additional issues framed by the Industrial Court are as follows :-

3. *Whether complainant No.2 and 3 also entitled for retirement benefits ?*
4. *Whether complaint is barred by limitation ?*
5. *What order ?*

6. It is apparent that the claim of the petitioners for retirement benefits would be considered by the Industrial Court after adjudication in the complaint. Petitioner No.1 is 16 years old girl child and petitioner No.2 is an 11 year old girl child whose biological mother Mrs.Sunita Shendge and their father Suresh Shendge have passed away. Apparently both are not eligible as on date for seeking compassionate appointment. It may so happen that, by the time the ULP complaint is decided, petitioner No.1 Samadhan would attain majority and might be entitled for compassionate appointment

if such a right exists.

7. Considering the above, I do not find that any further issue is required to be framed by the Industrial Court. This petition, being devoid of merit, is therefore, dismissed. However, the Industrial Court may note that in the event Ms.Samadhan, who is complainant No.2 in the ULP complaint attains majority at the age of 18 years, the Industrial Court would consider her claim alongwith the claim of complainant No.1 Smt.Manisha on their own merits.

(RAVINDRA V. GHUGE, J.)