

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6048 OF 2015

(Sayyat Ejaaaj Sayyad Wahed Vs. The State of Maharashtra
and others)

Mr. S.V. Suryawanshi, Advocate for the Petitioner
Mr. B.A. Shinde, A.G.P. for the respondents/State
Mr. R.K. Ingole Patil, Advocate for respondent No.3

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 16th MARCH, 2017

PER COURT :

Heard.

2. Mr.Suryawanshi, the learned Counsel for the petitioner submits that the father of the petitioner was compulsorily retired on medical grounds. The petitioner filed application seeking appointment on compassionate ground. According to the learned counsel, the Government Resolution dated 21st October, 2011 would enure to the benefit of the petitioner. According to him, the petitioner's father was working as a cleaner. Though Government Resolution dated 21st October, 2011 refers to the persons working as Safai Kamgar, still the post of cleaner and Safai Kamgar are Class-IV posts and the same benefit also should be made available to those who have

retired on medical grounds as cleaners. According to the counsel discrimination is being made by the respondents against the petitioner.

3. Mr. Ingole, the learned counsel for respondent No.3 submits that the Government Resolution dated 21st October, 2011 is issued on the basis of the recommendations of Lad and Page Committee. The Government Resolution dated 21st August, 2005 would come in the way of the petitioner which specifically states that the persons who have retired on medical grounds, their progeny would not be entitled for appointment on compassionate ground.

4. We have considered the submissions advanced on behalf of the learned counsel for the respective parties.

5. Even if, the Government Resolution dated 21st October, 2011 is interpreted liberally, still it would not be possible to apply the same to the petitioner. The said Government resolution is issued pursuant to the recommendations made by Lad and Page Committee. Lad and Page Committee was appointed to make recommendations for

the educational, financial and social prospects of Safai Kamgars and their recommendations was limited to Safai Kamgars. It is based on the said recommendations, the Government Resolution dated 21st October, 2011 was issued and it was not made applicable to all the persons/employees who were compulsorily retired on Class-IV posts. Various clauses of the said Government Resolution specifically deal with the Safai Kamgars only.

6. Considering the above, the grievance of the petitioner cannot be considered. In the result, the writ petition is dismissed. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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