

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

Writ Petition No.7563 of 2008

- 1) Tukaram s/o Mahadu Patil,
Age 57 years,
Occupation : Nil,
R/o Dharangaon,
Taluka Dharangaon,
District Jalgaon.
- 2) Rajesh s/o Tukaram Patil,
Age 29 years,
Occupation: Nil,
R/o As above.

.. Petitioners.

Versus

- 1) The State of Maharashtra
Through its Secretary,
Department of Transport,
Mantralaya, Mumbai - 32.
- 2) The Maharashtra State Road
Transport Corporation,
Through its Managing Director,
Central Office, Maharashtra
Wahatuk Bhavan,
Dr. Anantrao Nair Road,
Mumbai - 08.
- 3) The Divisional Controller,
Maharashtra State Road
Transport corporation,
Jalgaon Division, Jalgaon.

.. Respondents.

Shri. S.S. Jadhavar, Advocate, for petitioners.

Smt. P.V. Diggikar, Assistant Government Pleader, for respondent No.1.

Shri. M.K. Goyanka, Advocate, for respondent Nos.2 & 3.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 16 June 2017.

ORAL JUDGMENT (Per T.V. Nalawade, J):

1) The petition is filed for giving directions to the respondent, MSRTC, for giving appointment to petitioner No.2 on compassionate ground in view of the circumstance that the petitioner No.1 who was employee of MSRTC, is declared as disqualified for continuing in service and his services were terminated. Both the sides are heard.

2) The learned counsel for the petitioner placed reliance on the decision given by this Court in Writ Petition No.7376/2008 decided with Writ Petition No. 7387/2008 on 31-7-2009. Similar point was involved and the Circulars dated 28-7-2006 and dated 24-8-2006 issued

by the MSRTC which are given effect from 9-6-2006 were considered. This Court held that such Circulars cannot be given retrospective effect and if a person already was declared as disqualified and was terminated the previous policy of the MSRTC needs to be used in favour of family member of such employee. In view of this circumstance, this Court holds that similar relief needs to be granted in the present matter.

3) In the result, the petition is allowed. Relief in terms of prayer clause (C) for giving direction to consider the case of petitioner No.2 for appointment on compassionate ground is granted. Rule made absolute in those terms.

Sd/-
(SANGITRAO S PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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