

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

7 WRIT PETITION NO. 10422 OF 2016

BHAKTI NANDKUMAR JAGDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Patil Bipinchandra K
AGP for Respondents/State : Mr. S.B. Pulkundwar
Advocate for Respondents : Mr. Subas B. Ghute for R/3.
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 12.09.2017**

P.C. :-

. Mr. Patil, the learned counsel for the petitioner submits that the father of the petitioner died on 21.01.2015 while in service with respondent no.2. The father of the petitioner was also declared a permanent employee. The petitioner applied for appointment on compassionate ground, the said application is rejected solely on the ground that the salary was paid to the father of the petitioner was from the Zilla Parishad fund and not from the Government fund. The learned counsel submits that, this Court has consistently held that even the wards of such employer are entitled for appointment on compassionate ground. Reliance is placed on the order dated 12.12.2012 in writ petition no. 461/2012, order dated 02.07.2013 in writ petition no. 5801/2012, so

also the order dated 04.12.2014 in writ petition 5910/2014 and the order dated 18.04.2016 in writ petition no. 10296/2015.

2. The learned counsel for respondent nos. 2 and 3 supports the order and submits that in view of the fact that the funds are not received from the Government, the order is correctly passed by the authority

3. On perusing the orders as referred to above, the petitioner is similarly situated as the petitioners' in the aforesaid writ petitions.

4. In view of the orders passed in the aforesaid writ petitions, the present writ petition also stands allowed. The impugned order is quashed and set aside. The respondent-authority shall consider the application of the petitioner for appointment on compassionate ground, considering the fact that deceased father of the petitioner was a permanent employee and shall not reject it on the ground on which the impugned order is passed. The same shall be considered expeditiously and preferably within three months. Writ petition accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]