

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 60 OF 2018
IN
WRIT PETITION NO. 8168 OF 2014

MUNICIPAL COUNCIL RAHURI THROUGH CHIEF OFFICER
VERSUS
RAJESHREE DEEPAK MAHAJAN AND OTHERS

Advocate for Applicant : Shri R.V. Naiknavare.
Advocate for Respondent No. 1 : Shri P.V. Barde.
AGP for Respondent Nos. 2 & 3 : Shri V.S. Badakh.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 12th January, 2018

PER COURT :

1. Though, the applicant has termed the Review Application as being a Civil Application, it is in fact a Review Application seeking a review of the observations of this Court in paragraph No. 8 of the judgment dated 28/02/2017, in Writ Petition No. 8168/2014.

2. I have considered the strenuous submissions of Shri Naiknaware, learned advocate for the applicant and Shri Barde, on behalf of the original petitioner along with the learned AGP on behalf of respondent Nos. 2 and 3.

3. The applicant submits that this Court has observed in paragraph No. 8 that "*The respondents are unable to point out from*

the Lad Committee recommendations that only permanent service of an employee is to be taken into account while granting compassionate appointment. They have not pointed out any provision or condition from the said recommendations which permits ignoring the entire duration of temporary service of an employee for considering a case for compassionate appointment.” He terms this observation as an error.

4. I have perused the Government Resolution dated 10/09/2007, which is in fact a resolution by which the Lad Committee recommendations have been modified. There is no dispute that the Lad Committee recommendations, while dealing with compassionate appointment, mandated that an employee who is compelled to retire on account of ill-health or disability, must have put in twenty years of service, or else his legal heirs would not be illegible for compassionate appointment. By the said Government Resolution dated 10/09/2007, the condition of completion of twenty years of service has been diluted and it is no longer a pre-condition while considering an application for compassionate appointment meaning, thereby that the guardian or parent of the applicant is no longer required to complete twenty years of service. Shri Barde, submits that the original petitioner's mother-in-law had retired on medical ground and at that time she was a permanent employee.

5. Considering the above, I do not find that the applicant has pointed out any error in the judgment dated 28/02/2017. This Review Application being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.