

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
3 WRIT PETITION NO. 7651 OF 2015**

SUNITA DEEPAK KALE

..PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep B. Sontakke, Advocate for the
Petitioner.

Mr. A. V. Deshmukh, AGP for Respondent-State.

Mr. N. E. Deshmukh, Advocate for the Respondent
Nos.5 and 6.

...

**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 06th SEPTEMBER, 2018.

ORAL JUDGMENT (Per S. V. Gangapurwala, J.):-

1. Rule. Rule made returnable forthwith.
With the consent of parties taken up for final
hearing.

2. The petitioner had applied for appointment
on compassionate ground. The respondent no.4
issued the appointment order to the petitioner on
30th September 2011 as a Peon. It was stated that,
the said appointment is of temporary nature and for
a period of eleven months. After lapse of eleven
months, the respondent no.4 continued the
petitioner by order dated 31.08.2012 again as a
temporary employee upto 31.07.2012 and again
continued vide order dated 14.08.2013. Vide order
dated 12.12.2012 the services of the petitioner are
terminated.

3. Mr. Sontakke, the learned counsel states that, the petitioner had approached the Labour Court under a wrong premise. The Labour Court granted reinstatement to the petitioner to her extent.

4. It is submitted that there are three vacant posts of peon. The petitioner was claiming appointment on compassionate ground. In case the petitioner was entitled to be appointed on compassionate ground, the appointment of the petitioner could not have been as a temporary employee that too when the vacant posts were available.

5. In the light of the above, the respondent no.3/Administrator of Agricultural Produce Market Committee, Hingoli shall consider the claim of the petitioner for appointment to the post of peon on compassionate ground and take decision expeditiously and preferably within a period of three (03) months from today.

6. Rule is accordingly made absolute in above terms. No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-18

Devendra
Nandkumar
Kale

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by Devendra
Nandkumar Kale
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