

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO. 312 OF 2018
WITH
CIVIL APPLICATION NO. 91 OF 2018**

Alpesh Namdeo Howale ... Petitioner
Versus
The State of Maharashtra and another ... Respondents

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Ms. Ankita Ashok Khillare for the Petitioner.

Mr. A. B. Vagyan, Govt. Pleader a/w Mr. D.G. Sawant, AGP for the Respondent No.1.

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CORAM : A. S. OKA AND M. S. SONAK, JJ.

DATE : 19th SEPTEMBER, 2018.

P. C.:

1. Heard learned Counsel appearing for the petitioner and the learned AGP for the first respondent. The breach alleged is of the order dated 23rd September, 2013 containing the following directions.

- “(i) *We direct the Respondents to consider the case of the second Petitioner for grant of appointment on compassionate ground;*
- (ii) *We make it clear that the issue whether the husband of the first Petitioner (Mahadeo Hovale) was in continuous service from 1981 till 1994 has been concluded by the Maharashtra Administrative Tribunal and, therefore, the case of the second Petitioner will have to be considered on the basis of the said concluded finding;*
- (iii) *We direct that the appropriate decision shall be taken within a period of three months from today, which shall be communicated to the second Petitioner;*

(iv) The petition is disposed of on the above terms.”

2. Today, learned AGP has produced for perusal of this Court a waiting list of the candidates maintained by the office of the Collector, Mumbai of the persons who are entitled to seek appointment on compassionate grounds. The waiting list is of the candidates who can be appointed to various posts in various Government offices in Mumbai. The learned AGP, on instructions states that the said waiting list is still in force. The name of the petitioner appears in waiting list at serial No.1001. In the 9th column against the name of the petitioner, it is stated that the case of the petitioner for compassionate appointment was recommended on 26th April, 2014 by a letter addressed by the Joint Director of Higher Education, Mumbai. Thus, the waiting list which is in force shows that the case of the petitioner for compassionate appointment was considered by the State Government and after his case was recommended by the competent authority, his name has been included in the waiting list.

3. Though, belatedly, compliance has been made by the State Government. Hence, it is not necessary to initiate action for contempt of Court by accepting the statements made by the learned AGP, the Contempt Petition is disposed of. Pending civil application does not survive and is also disposed of.

(M. S. SONAK, J.)

(A. S. OKA, J.)