

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

44 WRIT PETITION NO.9268 OF 2019

**NILESH SUDHAKAR KOLI
VERSUS
THE ADMINISTRATIVE DIRECTOR MSEDCL OFFICE AT PRAKASHGAD
DR. A. K. MARG BANDRA EAST MUMBAI**

...

Advocate for Petitioner : Ms. Sucheta Dhongade h/f. S.D. Dhongade

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**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 29/07/2019

PER COURT :

1. The learned counsel for the petitioner submits that the petitioner is a nephew of the deceased. The deceased was childless. The petitioner used to look-after the deceased and the petitioner was dependent upon the deceased. The learned Senior Judge, Civil Division, Bhusawal under order dated 08.01.2016, in Civil Miscellaneous Application No.17/2015 had held that applicant/petitioner is heir of deceased Nandkumar Dhudaku Koli and is entitled to get service benefits on compassionate ground. According to the learned counsel, the said order has not been considered by the authority while negating claim of the petitioner on compassionate ground.

2. The nephew is not included in the definition of family so as to claim appointment on compassionate ground. The employment would be governed by the service conditions of the institution. It has been observed by the respondent that nephew does not come within the definition of family as per Scheduled G under Section 5 of their service regulations.

3. In light of the above, no interference called for. Writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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