

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

WRIT PETITION NO. 6153 OF 2018

Sunil Manik Sarpe

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri V. S. Sawant, Advocate h/f Shri M. D. Gitte, Advocate for the Petitioner.

Ms. Vaishali N. Jadhav Patil, A.G.P. for Respondent Nos. 1 & 2.

Shri K. B. Jadhavar, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 04TH MARCH, 2019.

FINAL ORDER :

. Application filed by the petitioner for appointment on compassionate ground on account of retirement of his father who was working as Safai Kamgar is not considered by the respondent No. 3/Municipal Council, Omerga

2. We have heard Mr. Sawant, the learned advocate for the petitioner, Mr. Jadhavar the learned advocate for the respondent Nos. 3 and 4/Municipal Council and the learned Assistant Government Pleader for respondent Nos. 1 and 2.

3. According to the affidavit filed by the respondent No.

3/municipal council, the petitioner did not apply within a period of one year from the date of retirement of his father.

4. As per circular dated 26.02.2014, based on recommendations of the Lad-Page Committee, the respondent No. 3 is duty bound to intimate the family members of the person who is retiring about their entitlement to seek appointment on compassionate ground. In fact, in the order of the retirement, it is required to be mentioned that the member of the family is entitled for appointment on compassionate ground. It does not appear that the respondent No. 3 has abide by the Clause 4 of the Circular dated 26.02.2014. In view of that, application of the petitioner for appointment on compassionate ground as a legal heir of Safai Kamgar needs to be considered on its own merits and shall not be negated on the ground that same was not filed within a period of one year. The decision shall be taken by the respondent No. 3 expeditiously and preferably within a period of two (02) months from today. The writ petition is disposed of. No costs

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / March. 19