

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8530 OF 2016

Santosh Ashok Khandagale & ors.Petitioners

Versus

The State of Maharashtra & ors. ...Respondents

Mr. Ashish S. Gaikwad, a/w Ms. Bhavana R. Khichi and Mr.
Abhishek R. Mishra, for the Petitioners.

Mr. N. K. Rajpurohit, AGP for Respondent no.1.

Mr. Virendra V. Pethe, for Respondent n.3.

CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ

DATED: 21st January, 2019

PC:-

1. Rule.
2. Rule made returnable forthwith. Heard by consent.
3. The Petitioner assails the communication dated 20th October, 2014, by which the Respondent – State Government has rejected the proposal submitted by Respondent no.3 for granting benefit to the Petitioner on the basis of the recommendations of the Lad – Page Committee.
4. The State Government, taking into consideration the plight of sweepers working at various Municipal Councils, had appointed a committee under the Chairmanship of retired Judge Shri. Lad. On the basis of the recommendations

of the said committee, the Government had issued Government Resolution dated 12th August, 1975 making provisions for appointment of the legal-heirs of sweepers working on the establishment of the Municipal Councils. Subsequently, another committee was appointed under chairmanship of Shri. V. S. Page. The State Government had issued Government Resolution dated 21st June, 1979 for implementing the recommendations of the said committee. According to the said recommendations, the legal- heirs of the sweepers working on the establishment of Municipal Council were entitled to be appointed on compassionate grounds.

5. The Petitioners are the son/daughter of the workers, who were working on the establishment of Respondent no.3. At the time of superannuation of their parents, they made applications to Respondent no.3 – Municipal Council for grant of benefit to them of the Lad–Page Committee recommendations. The Municipal Council had duly recommended the same. However, by the impugned order, the same is rejected.

6. The reason given by the Deputy Director of Municipal Administration in the order is that if the appointments are

given to the legal-heirs of the sweepers wrong precedent will be settled. As the officer of the State Government, the Deputy Director of Municipal Administration, is bound to follow the policy as stipulated by the State Government. The policy of the State Government, to which reference is made hereinabove, was again reiterated in the Government Resolution dated 10th November, 2015. The perusal of the said resolution reveals that the legal heirs of sweepers working on the establishment of the Municipal Councils are entitled to be appointed on compassionate ground.

7. Therefore, we are of the considered view that even the policy of the State Government as reflected in the various Government Resolutions entitles the Petitioners the benefit of certain advantages. The same cannot be denied by the subordinate officers without considering the policy of the State Government.

8. In the result, the petition is allowed. The impugned order is quashed and set aside.

9. It is made clear that the Petitioners are entitled to the benefit of Lad – Page Committee recommendations and, as such, Respondent nos.1 and 2 are, therefore, directed to grant approval to the proposal of Respondent no.3 for

appointing the Petitioners as sweepers within four weeks from today.

10. It is made clear that no further extension will be granted in the matter. Though the Petitioners will be entitled to continuity in service from the date on which Respondent no.3 has sent proposal to Respondent nos.1 and 2, they would not be entitled for back-wages for the period for which they were not in the employment.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]