

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 58 OF 2020

(ROSHNI W/O SHATRUGHNA HATE .VS.. THE MUNICIPAL COMMISSIONER, NAGPUR
MUNICIPAL CORPORATION, NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S.W.Deshpande, Advocate for Petitioner.
Shri S.M.Puranik, Advocate for Respondents.

CORAM : Z.A.HAQ & N.B.SURYAWANSHI, JJ.
DATED : JUNE 05, 2020.

Heard.

2. The petitioner has approached this Court seeking Writ of Mandamus against the respondent-Corporation, directing it to give appointment to the petitioner on compassionate ground.

3. According to the petitioner, Shri Ishwar Hate, who was working as 'Safai Kamgar' with the Corporation died in the year 1995 and Sau.Rajani wife of Ajay Vyas, claiming to be the niece of Shri Ishwar Hate, applied for appointment on compassionate ground, however, she could not get appointment till 2016 when she gave up her claim in favour of the petitioner. According to the petitioner, though she is entitled for appointment on compassionate ground as per the recommendations of the 'Lad and Page Committee' and though she is pursuing her claim with the respondents, till date her claim is not considered.

4. After hearing the learned Advocate for the petitioner and the learned Advocate for the respondent Nos. 1 and 2, we find that the prayer made by the petitioner cannot be granted. It is not explained as to why Sau. Rajani Ajay Vyas, who had earlier approached the respondents with the request for appointment on compassionate ground, failed to take any effective steps in the matter for a long period of 21 years. The petitioner is staking her claim by stepping into the shoes of Sau.Rajani Ajay Vyas and her claim will be affected by the delay and laches as in the case of Sau.Rajani Ajay Vyas.

5. Considering the facts of the case, we are not inclined to exercise extraordinary writ jurisdiction. Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

(N.B.SURYAWANSHI, J)

(Z.A.HAQ, J.)