

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5134 OF 2020

Madhukar Chandrabhan Galphade

Petitioner

Versus

Ahmednagar Municipal Corporation

Respondent

Mr. P.V. Barde, Advocate for the petitioner.

CORAM : M.G. Sewlikar, J.

DATE : 11th February, 2021.

PER COURT :

1. Heard Shri Barde, learned counsel for the petitioner.
2. The only point he has agitated is that the petitioner has been terminated without holding any enquiry. He argued that the petitioner was appointed on compassionate ground as his father who was a municipal employee (sweeper) passed away. He submitted that the petitioner was terminated on the ground that the petitioner had more than two children at the time of his entry in the service. He submitted that enquiry ought to have been held before terminating the petitioner. He further submitted that Civil Services (Small Family) Rules, 2005, cannot be made applicable to the employees

who are appointed on compassionate ground.

3. So far as the submissions regarding holding of enquiry are concerned, learned counsel Shri Barde does not dispute that the petitioner had more than two children at the time when he made the application on compassionate ground.

4. Thus, when the facts are admitted, the question of holding enquiry does not arise. So far as applicability of rules is concerned, there cannot be any classification on the basis of appointment on compassionate ground and appointment on regular basis. Therefore, submission in this regard cannot be accepted. It is not the contention of learned counsel Shri Barde that these rules are not applicable to the sweepers.

5. In this view of the matter, there is no substance in the petition. The petition is, therefore, dismissed.

(M. G. SEWLIKAR)
JUDGE