

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

WRIT PETITION NO.11747 OF 2018

Pratap S/o Bhaskar Sonawane,
Age : 24 years, Occu. Unemployed,
R/o. Shirdi, Tq. Rahata,
District Ahmednagar.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through the Regional Director,
Municipal Administration,
Mantralaya, Mumbai.
2. The Commissioner and the Director,
Directorate of Municipal Administration,
Govt. Transportation Services Bldg,
Sir Pochkhanwala Marg, Worli,
Mumbai-30.
3. The Chief Officer,
Nagar Panchayat, Shirdi,
Tq. Rahata, District Ahmednagar. ... **Respondents**

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Advocate for Petitioner : Mr. S. T. Shelke.
AGP for Respondent Nos.1 & 2-State : Smt. M. A. Deshpande.
Advocate for Respondent No.3 : Mr. A. V. Hon.

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**CORAM : RAVINDRA V. GHUGE AND
S. G. MEHARE, JJ.**

DATE : 15.12.2021

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.) :-

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The petitioner, who is 27 years of age today having been born on 17.04.1994 and having attained adulthood on 17.04.2012, has put forth prayer clauses "B" and "C" as under :

"(B) Quash and set aside the order/letter dated 13.04.2018 at Exh.G of respondent no.3 with a further direction to respondents to appoint the petitioner on the post of Safai Kamgar on the heirship basis as per Lad Committee recommendations, and for that purpose issue necessary writ or order."

"(C) Direct the respondents during the pendency of this petition to appoint the petitioner on the post of Safai Kamgar on the heirship basis as per Lad Committee recommendations."

3. The undisputed factors are as follows :

- (a) The father of the petitioner, deceased Bhaskar Sonawane, was granted regularization in service as a "Safai Kamgar" with Shirdi Municipal Council by virtue of the judgment of the Industrial Court dated 06.05.1998 in Reference (I.T.) No.1 of 1997. He was one amongst the 77 employees, who benefitted from the order of the Industrial Tribunal.
- (b) The Municipal Council approached the High Court in Writ Petition No.4374 of 1998. Vide order dated

09.11.1998, the petition was disposed off with a direction to the Government to sanction regularization, as a one time measure, to the 77 Safai Kamgar based on their seniority.

- (c) Bhaskar Sonawane admittedly had two wives. He succeeded in getting a divorce decree dated 06.07.1995, in Hindu Marriage Petition No.14 of 1992, against the first wife Sau. Sumanbai.
- (d) There is no record to indicate that Bhaskar Sonawane had already married the mother of the petitioner during the first marriage subsisting.
- (e) The mother of the petitioner was the second wife of Bhaskar Sonawane when he died on 19.03.2008, in harness.
- (f) The petitioner got a succession certificate in his favour along with his mother on 09.11.2012.
- (g) The appeal filed by the first wife was dismissed on 21.07.2017.

(h) The petitioner filed an application for compassionate appointment on 07.03.2018, which was rejected by the Municipal Council on 13.04.2018.

4. It is apparent that, insofar as the compassionate appointment is concerned, the petitioner stands no chance as he became an adult on 17.04.2012 and moved an application on 07.03.2018 for seeking compassionate appointment. However, the Lad-Page Committee recommendations, which are commonly known as the '*Vashila Paddhat*', enable employment to the legal heirs of those Safai Kamgar, who belong to the Valmiki, Mehtar, etc. castes / tribes and by following the *Vashila Paddhat*, such legal heirs are entitled to be appointed in place of the father / mother, as and when vacancy is arise. By Government Resolution dated 11.03.2016, the age limit for granting appointment as "Safai Kamgar" on the basis of the Lad Committee recommendations is enhanced to 40 years of age and the scheme which was brought into effect, on 12.08.1975, is now continued as the State Government has decided that such scheme needs to be continued.

5. In view of the above, this petition is partly allowed. The impugned order is quashed and set aside.

6. The application dated 13.04.2018 filed by the petitioner for seeking compassionate appointment, shall be treated as being a request to be inducted as a "Safai Kamgar" on the basis of the *Vashila Paddhat* recommended by the Lad Committee. The name of the petitioner be entered in the waiting list of such eligible candidates under the *Vashila Paddhat* for appointment as "Safai Kamgar", by virtue of the date of his letter/order 13.04.2018 and as and when his turn comes, the Municipal Council would consider his appointment as a "Safai Kamgar".

7. Rule is made partly absolute, in the above terms.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-