

RAJESH
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recommended the name of one Keshav Raghunath Bagrao (“Keshav”) for providing compassionate appointment to him in place of father of the Petitioner. It seems that though the said person Keshav was not in blood relation of the deceased employee or even the widow of the deceased employee, in view of the affidavit submitted before the authority, the claim of Keshav was considered for providing appointment on compassionate ground and he was appointed as Grade-III employee of UMC.

5 Learned Counsel appearing for the Petitioner submitted that when the Petitioner attained majority, he found that the said person, Keshav misled the family of the Petitioner, more particularly, mother of the Petitioner. Learned Counsel appearing for the Petitioner submits that mother of the Petitioner is an illiterate lady and was not very conversant either with legal provisions or Government policies. The said Keshav with a false assurance to the mother of the Petitioner that on receipt of the appointment on compassionate ground, he, i.e. Keshav would look after the family of the deceased employee Rambul Bhenwal. It is also submitted that for obtaining approval from the mother of the Petitioner, said person Keshav also assured for performing marriage with the mother of the Petitioner and on appointment of said person Keshav, even performed second marriage. It is submitted by learned Counsel appearing for the Petitioner that the acts of mischief and mislead of the said person, Keshav, prompted the Petitioner to immediately approach the authority by submitting the application and lodging his objection to

the appointment of Keshav. The learned Counsel appearing for the Petitioner, then, invited our attention to the detailed representation made to the Commissioner of UMC. The representation is made to the Commissioner of UMC on 17 September 2017 giving all the necessary details and objections of the Petitioner. It is then submitted that inspite of repeated requests and reminders to the authorities, no heed is paid. Our attention was invited to the reminder dated 6 August 2019 placed on record at page 83, wherein reference is made to the application dated 19 September 2017.

6 The principal prayer in the petition also relate to non-action of the authority, namely, non-decision on the representations of the Petitioner. It will not be out of place to mention that the Petitioner had also filed some criminal case against the said person Keshav in the court of J.M.F.C., Ulhasnagar. Be that as it may, considering a limited grievance raised by the Petitioner, the prayer, that is prayer clause -(b) of the petition, we deem it fit to dispose of the petition with direction of Respondent No.-4 to decide the representation dated 17 September 2017, as expeditiously as possible and not later than 10 weeks from the date of receipt of order of this court. The Petitioner is permitted to serve copy of order of this court in the office of the Commissioner, UMC.

7 Learned Counsel appearing for the Petitioner, orally prays for amendment to the petition and submitted that though the Petitioner had approached appropriate authority by way of representation and though the principal prayer refers to representation, inadvertently,

the said authority, i.e. The Commissioner of Ulhasnagar Municipal Corporation, is not made party to the petition and the Petitioner be permitted to amend the petition by altering the status of Respondent No.4, by adding the words “Through its Commissioner”, instead of words “General Administration Department Office at”. The amendment be carried out forthwith. Learned Counsel also prays for amendment in prayer clause -(b). It is submitted that though there is reference to various representations, the representation, which is placed on record at Exhibit ‘G’, dated 17 September 2017, is not referred in prayer clause -(b) to the petition. Accordingly, oral prayer of learned Counsel appearing for the Petitioner for amendment in the prayer by necessary words “representation dated 17 September 2017”, is also allowed. Amendment be carried out forthwith.

8 The petition is disposed of accordingly.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)