

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO.1069 OF 2019

Kum.Supriya Shivaji Khandale Petitioner

Vs.

The Municipal Commissioner, Pimpri
Chinchwad Municipal Corporation
and Ors. Respondents

Mr.Ashok B. Tajane for the Petitioner
Mr.Shubham K. Kanade i/b Mr.S.R.Ganbavale for the
Respondent nos.1 to 3
Mrs.S.S.Bhande, A.G.P. for the State
Mr.G.H.Keluskar or the Respondent no.5

**CORAM: K.K.TATED &
ABHAY AHUJA, JJ.**

DATED : MARCH 25, 2021

P.C.

. Heard.

2. By this Writ Petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against Respondent no.1 to give the appointment to the Petitioner on compassionate ground.

3. It is the case of the Petitioner that Petitioner's father was working with Respondent no.1 who died on 18.01.1994. At that time, Petitioner and her brother were minors and hence, his uncle Rajendra Dada Khandale was appointed on

compassionate ground. He submits that his uncle also expired on 21.05.2016. Thereafter, his uncle's wife i.e. Respondent no.5 made Application for appointment on compassionate ground and that was allowed. He submits that it is mandatory as per the G.R. dated 21.09.2017 for the person who appointed on compassionate ground to maintain the legal heirs of the deceased. He submits that Respondent no.5 is not maintaining the family of deceased employee. Therefore, the Petitioner filed the present petition.

4. When this Court declined to entertain the present Writ Petition on the ground that the Petitioner has not made prayers to cancel the appointment of Respondent no.5 and other consequential reliefs, the learned counsel for the Petitioner submits that Petitioner may be permitted to withdraw the Writ Petition with liberty to file afresh for same cause of action. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5. Writ Petition stands disposed of as withdrawn with liberty as prayed.

6. All contention of both the parties are kept open.

7. No order as to costs.

(ABHAY AHUJA, J.)

(K.K.TATED, J.)