

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

WRIT PETITION NO. 1595 OF 2018

PETITIONER :- Gajanan Baban Chavhan, Aged about
37 yrs, Occup. Conductor, C/o Shri.
Govindrao Surve, Near Hanuman Mandir,
Byepass Road, Mangrulpir, Dist.Washim.

...VERSUS...

RESPONDENT :- Maharashtra State Road Transport Corp.
Division Office, Kaulkhed Road, Akola,
Thru its Divisional Controller.

Mr.S.A. Nerkar, counsel for the petitioner.
Mr. P S. Gawai, counsel for respondent.

CORAM : SUNIL B.SHUKRE &
ANIL L.PANSARE, JJ.

DATE : 27.10.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. Heard finally
by consent of the learned counsel appearing for the parties.

3. It is true, as pointed out by the learned counsel for the respondent that the petitioner had made an application on 01.06.2000 seeking his compassionate appointment on the post of conductor, and therefore, ordinarily, going by the view taken by another Bench of this Court, in Writ Petition No.1985 of 2008 decided on 21.04.2008, that in such cases, extraordinary writ jurisdiction must not be allowed to be invoked, it is also true that when this view was taken in April 2008, the change in policy of the respondent had not come into force. It came into force in November 2008 as per the circular dated 18.11.2008, which was continued even thereafter, as per the circular dated 01.12.2011.

4. These circulars dated 18.11.2008 and dated 01.12.2011 show that whenever compassionate appointment has been made on the post of conductor, although initially it could have been made on the post of traffic controller, such cases be re-examined and if the vacancies are available, the appointments be converted from the post of conductor to the post of traffic controller. This aspect of the matter, which is seen from the refusal of the respondent to consider the case of the petitioner in the light of the

guidelines stated in the circulars dated 18.11.2008 and 01.12.2011, it appears, has escaped the attention of the respondent when the reply was filed by the respondent. But, that would not absolve the respondent from the responsibility of complying with the instructions in its own circulars. Rather, the respondent must be held to be bound by its own instructions issued in the circulars dated 18.11.2008 and 01.12.2011 and we do so. Accordingly, we partly allow the petition and direct the respondent to consider the request of the petitioner for conversion of his appointment from the post of conductor to the post of traffic controller, in the light of the circulars dated 18.11.2008 and 01.12.2011 appropriately.

5. Rule accordingly, No costs.

(ANIL L.PANSARE,J)

(SUNIL B. SHUKRE,J)