

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.6359 OF 2022**

Samarth Ravindra Kulkarni ..Petitioner

Versus

The State of Maharashtra and Ors. ..Respondents

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Mr. M. V. Narwade h/f Mr. V. P. Narwade, Advocate
for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

...

CORAM : RAVINDRA V. GHUGE

AND

ANIL L. PANSARE, JJ.

DATED : 21st JULY, 2022.

PER COURT:-

1. This petition has been filed for seeking compassionate appointment and a Writ of Mandamus is invoked to direct the Amalner Municipal Council to proceed with the Resolution dated 13.08.2018 for granting compassionate appointment.

2. It is apparent that, the petitioner's deceased father was working as a labourer in the Water Supply Department. He died on 21.09.2003. He was not a Safai Kamgar and therefore, Lad Page Committee recommendations (Vashila Paddhat) are not applicable. Last 19 years, the widow and her children comprising of the petitioner and a daughter, have survived. There is no pleading and

there is no scheme before us to indicate that compassionate appointment can be made applicable to daily wagers, who are not permanent in employment. Nevertheless, such compassionate appointment schemes have never been introduced by the State authorities or by the State instrumentalities.

3. Considering the crystallised position of law, a compassionate appointment has to be granted to enable a family to tide over a financial crisis that has suddenly occurred. Considering a claim for compassionate appointment after 19 years and that too at the behest of the legal heirs of an employee who was a daily wager, would not be permissible in law.

4. In view of the above, this petition is dismissed.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE