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

917 WRIT PETITION NO.11716 OF 2022

**MAHESH UTTAM MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

....
Mr Avinash Patil, Advocate h/f Mr S. S. Chapalgaonkar, Advocate
for petitioner;
Mr S. G. Karlekar, A.G.P. for respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 13th December, 2022

PER COURT:

1. This petition has been filed by the petitioner, who is 34 years of age, is married and is settled in life. He seeks employment on compassionate ground in place of his father, who passed away on 01/10/2004, which is 18 years ago.

2. We are informed that the General Body of respondent No.4/ Municipal Council, vide Resolution dated 08/02/2011, recommended the petitioner's name for appointment on compassionate basis in place of his father. Respondent No.4 issued a temporary appointment order dated 01/03/2011 to the petitioner, for 3 months. By further three temporary appointment

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orders for three months each, the petitioner worked till in the year 2012. Grievance is, that the proposal dated 13/07/2012, forwarded by respondent No.4/ Municipal Council, proposing the case of the petitioner for appointment, has been rejected by respondent No.3 vide order dated 06/07/2015 on the ground that the father of the petitioner was given work under the Court's order. Further grievance is that the petitioner's father was never employed under any Court order.

3. We have considered the submissions of the learned Advocate for the petitioner, extensively. There is nothing before us to indicate that the petitioner's father was granted regularization in the service of the Municipal Council as a 'Safai Kamgar'. In the absence of any such documents, it would not be appropriate to hold, on the basis of oral submissions, that the petitioner's father was in permanent employment.

4. The learned Advocate for the petitioner is not aware, as to whether, a daily wager working as a 'Safai Kamgar' could be treated at par with an employee, who is regularized in service, so as to render the family members eligible for compassionate appointment.

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5. In view of the above, this petition is disposed off. We do not wish to make any comment as regards the Resolution passed by respondent No.4/ Municipal Council. We would also not make any comment upon, whether the petitioner having been settled in life and after 18 years of the demise of the father, could be considered for compassionate appointment .

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk