

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14506 OF 2019

Sangeeta w/o. Daniel Wadpalli
Age: 43 years, Occu.: Nil/Household,
R/o. Fire Station Quarters Jalna,
Infront of R.H.V. School,
Deolgaon Raja Road,
Jalna, Tq. and Dist. Jalna

.. Petitioner

Versus

1. The State of Maharashtra
Through The Secretary
Rural Development Department,
Mantralaya, Mumbai-32.
 2. The Director,
Directorate of Municipal Administration,
Worli, Mumbai.
 3. The Divisional Deputy Director,
Municipal Administration,
Divisional Commissioner Office,
Aurangabad.
 4. The Collector,
Jalna, Tq. and Dist. Jalna.
 5. The Chief Officer,
Municipal Council, Jalna
- .. Respondents

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Mr. J. M. Murkute, Advocate for petitioner.

Mrs. M. A. Deshpande, AGP for respondent Nos.1, 2 and 4 - State.

Mr. V. P. Deshmukh, Advocate for respondent No.5.

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**CORAM : SMT. VIBHA KANKANWADI AND
Y. G. KHOBRAGADE, JJ.**

DATE : 11th November, 2022.

JUDGMENT :- (Per Smt. Vibha Kankanwadi, J.)

. Rule. Rule made returnable forthwith. Heard learned Advocates for the parties finally, by consent.

2. The petitioner, who is the widow of the employee serving with respondent No.5, is seeking directions for appointing her on compassionate ground.

3. The petitioner has come with the case that one Asaram Dhuraji Kamble was working as Purush Majur with the Sanitary Department of Municipal Council, Jalna and after the retirement, as per the recommendation of Laad Committee, the husband of the petitioner namely Danial Chandrarao Wadpalli was appointed on the post of Purush Majur in the Sanitary Department, Municipal Council, Jalna by order dated 28.12.1998. Danial expired on 26.03.2016 and after his death, the present petitioner had filed representations dated 09.05.2016, 05.04.2017 and 21.12.2018 to the Chief Officer Municipal Council, Jalna for considering her request for the appointment on compassionate ground. As no action was taken, she had knocked the doors of this Court.

4. The affidavit-in-reply has been given on behalf of respondent No.5 - the Chief Officer of Municipal Council, Jalna Shri. Nitin Janardhan Narvekar and in paragraph No.3, he has admitted that

the representations were made by the petitioner and as per her representations, he would forward the proposal before Collector and her name will be inserted in waiting list on appointment on compassionate ground and in future whenever there would be vacancy, the appointment would be given to the petitioner as per seniority list of appointment on compassionate ground. The petition can be disposed of in view of this assurance and undertaking by respondent No.5. Hence, the following order :-

ORDER

- I) The writ petition stands allowed.
- II) Respondent No.5 to forward the representations made by the petitioner on 09.05.2016, 05.04.2017 and 21.12.2018 to the the Collector, Jalna i.e. respondent No.4 and thereafter, upon the orders of respondent No.4, her name be inserted in the waiting list on appointment on compassionate ground. Thereafter, the respondents to give appointment to the petitioner as per rules taking into consideration the waiting list of the appointment on compassionate ground, whenever there is vacancy in future.
- III) Rule is made absolute in the above terms.

[Y. G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm