

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9283 OF 2022

KARAN RAMNIVAS TAK
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Shri Gautam J. Pahilwan
AGP for Respondent 1/State : Shri S.G. Karlekar
Advocate for Respondents 2 to 4 : Shri N.b. Khandare

...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 21st March, 2023

Per Court :-

1. On 02.03.2023, we had passed the following order:-

1. *The petitioner is 30 years of age. He claims to be belonging to "Mehtar" community. His grandmother was a Sweeper with the District and Sessions Court at Aurangabad. She superannuated on 30.06.2016. The petitioner prays for the benefits of the Lad-Page Committee recommendations (Vashila Paddhat). His application has been rejected by the impugned order dated 27.06.2022.*
2. *We find that there are no pleadings in the petition as regards :-*
 - (a) *The source of income and details of earnings of the father and mother of the petitioner, who are said to have passed away. Copies of their death certificates be placed on record.*
 - (b) *Details as to whether, the petitioner is married and has a family.*

- (c) *Whether, the petitioner can be said to be dependent on the grandmother.*
- (d) *Details as regards the children of the grandmother.*
- 3. *The learned advocate for the petitioner submits that he would file an additional affidavit setting out all these details and produce the documents, within two weeks.*
- 4. *List this petition in the passing orders category on 21.03.2023.”*

2. Pursuant to the above, the Petitioner has entered an additional affidavit in which, he has stated as under:-

(a) His grandmother was a sweeper with the District and Sessions Court at Aurangabad. She superannuated on 30.06.2013.

(b) The Petitioner's father passed away on 25.07.2000. He was not in any employment.

(c) The mother of the Petitioner passed away on 26.06.2016.

(d) The Petitioner got married on 18.02.2016 and presently, has a four year old son.

(e) His grandmother had two sons and four daughters. All are married.

3. The Honourable Supreme Court has delivered the judgment in *Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union, 2022 (III) CLR 859 : (2022) 10 SCC 172*, wherein, it has been concluded that a legal heir of an employee, who has retired from the service of the Municipal Corporation, cannot be given the benefit of the Lad Page Committee's recommendations and the "Varasa hakka/ Vashila Paddhat" cannot be made applicable for recruiting such legal heirs after the employee has superannuated from employment. The conclusions of the Honourable Supreme Court in paragraph 16 read as under:-

"16. *Even otherwise, such an appointment to the heirs of the employees on their retirement and/or superannuation shall be contrary to the object and purpose of appointment on compassionate grounds and is hit by Article 14 of the Constitution of India. As observed and held by this Court in a catena of decisions, compassionate appointment shall always be treated as an exception to the normal method of recruitment. The appointment on compassionate grounds is provided upon the death of an employee in harness without any kind of security whatsoever. The appointment on compassionate grounds is not automatic and shall be subject to the strict scrutiny of various parameters including the financial position of the family, the economic dependence of the family upon the deceased employee and the avocation of the other members of the family.*

No one can claim to have a vested right for appointment on compassionate grounds. Therefore, appointment on compassionate grounds cannot be extended to the heirs of the employees on their superannuation and/or retirement. If such an appointment is permitted, in that case, outsiders shall never get an appointment and only the heirs of the employees on their superannuation and/or retirement shall get an appointment and those who are the outsiders shall never get an opportunity to get an appointment though they may be more meritorious and/or well educated and/or more qualified. Therefore, the submission on behalf of the respondent that the appointment is not on compassionate grounds but the same be called as varas hakka cannot be accepted. Even if the same be called as varas hakka the same is not supported by any scheme and even the same also can be said to be violative of Article 14 as well as Article 15 of the Constitution of India.”

4. In view of the above and taking into consideration the specific observations of the Honourable Supreme Court, we do not find that the Petitioner, who is the grandchild and who is already married and settled down in life, would be justified in seeking employment on the basis of the “*Varasa hakka/ Vashila Paddhat*” in place of his grandmother, who has superannuated from the District and Sessions Court at Aurangabad.

5. **This Writ Petition is, therefore, dismissed.**