

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9414 OF 2023

Dinesh Shankar Rohane and Ors. ... Petitioners

V/s.

Thane Municipal Corporation and Anr. ... Respondents

Mr. Rahul Deodhar i/b. Mr. Shirish G. Shigwan for the Petitioners
Ms. Chaitrali Deshmukh for the Respondent Nos. 1 and 2

***CORAM : NITIN JAMDAR &
SANDEEP V. MARNE, JJ.***

DATE : 04 AUGUST 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner had applied for appointment on the compassionate basis under the scheme framed upon recommendation of the Lad/Page Committee incorporated in the Government Resolution in respect of Safai Kamgars in the Municipal Corporation. The Petitioner made an application for appointment on compassionate basis stating that his maternal uncle late Datta Ganpat Pingle expired and he is ready to take care of his widow that is the Petitioner's aunt.

3. The impugned order dated 29 October 2018 rejects the claim of the Petitioner on the ground that the Petitioner does not fall in the categories 1 to 5 of the Government Resolution dated 11 March 2016 which categories includes spouse, son, daughter-in-law, unmarried daughter, divorcee or widow daughter, divorcee or widow sister. The impugned order however refers to 6th category that is if the first claimants from 5 categories are not available, then the one who is ready to take care of the employee.

4. The Petitioner has applied afresh to the Respondents on 5 December 2022. Without commenting on the merits of this application and also without commenting as to the Petitioner's case is governed by which resolution and whether the Petitioner falls under the category of persons who can be appointed on the compassionate basis, we dispose of the Writ Petition observing that the Respondent – Municipal Corporation should take a decision as per law in the Petitioner's representation dated 5 December 2022 and communicate the decision to the Petitioner.

5. The Writ Petition is disposed of.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.