



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.179/2022

Smt. Durga V the Municipal Commissioner, Nagpur Municipal Corporation, Nagpur and
another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs. S.W. Deshpande, Adv for petitioner.
Mr. Abhay Sambre, adv for resp. nos. 1 and 2
Mrs. K. Deshpande, AGP for resp. no.3.

CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.
DATE : 31-08-2023

Heard Mrs Deshpande, learned Counsel for the
petitioner and the learned Counsel for the respondents.

2. The petition challenges the Government Resolution (GR) dated 20-09-19, by which 44007 supernumerary posts were created for 'Safai Kamgar' with the Corporation on the ground that the posts would lapse in case they fall vacant [Clause C3]. The challenge is on the ground that the petitioners are the legal heirs of person who was occupying one of the above supernumerary post, who having passed away, the petitioner would be entitled to compassionate appointment and therefore the lapsing of the post is arbitrary. It is also contended that the GR is also liable to be set aside on the principles of natural justice.

3. The contention is opposed by Mr. Sambre, learned Counsel for the respondents nos.1 and 2 and learned

AGP for respondent no.3.

4. The GR dated 20-09-19 (pg 12) was brought into existence for accommodating 4407 Safai Kamgars with the Nagpur Municipal Corporation (NMC) considering the requirement at that point of time. The said GR, was a one time measure adopted by the State and therefore Clause C3 thereof specifically mandates that in case the posts become vacant for any reason the same shall stand lapsed. We do not see anything arbitrary in clause C3 of the said GR and specifically so on the plea raised that the petitioner being the legal heir of one of the persons who was occupying the said supernumerary post having passed away, are entitled to be appointed on compassionate basis, as a plea for being appointed on a compassionate basis is not a right created by any statute, but is only a concession is meted out by the State or the employer for ensuring immediate succor to the family in the hour of need. There is also no question of principles of natural justice being brought into effect for the above purpose, so as to claim their violation. The petition is therefore without any merit. Accordingly, the same is dismissed. No costs.

JUDGE

JUDGE