



023.

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

WRIT PETITION NO. 6667 OF 2023

(The Superintendent Engineer, Command Area Development Authority, Nagpur and
Others...Vs... Sau. Sonali w/o. Lokesh Choudhary and another)

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

Court's or Judge's Orders

Mr. Tariq Mohd. Zaheer, advocate for petitioners.
Mr. S.B. Dhande, advocate for respondent No.1.
Mr. N.S. Rao, AGP for respondent No.2/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 28-11-2023

This petition questions the judgment dated 16.11.2021, passed by the learned Industrial Court No.1, Nagpur whereby the present respondent has been directed to be given appointment on compassionate basis within two months from the date of the order.

2. It is not disputed by Mr. S.B. Dhande, the learned counsel for respondent No.1 as well as Mr. N.S.Rao, the learned AGP for respondent No.2 that the petitioner in such a circumstance is required to maintain a list of wait listed candidates for compassionate appointment, in view of which, the learned Industrial Court could not have directed appointment of respondent No.1 on compassionate basis. All that could have been done was to include the name of respondent No. 1 in the wait list.

3. Learned counsel for the parties are agreeable that the impugned judgment will have to be modified by directing inclusion of name of respondent No.1 in the

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waiting list maintained by the petitioners for compassionate appointments, the relevant date being the date of application by the respondent No.1.

4. The impugned order is therefore, modified in the above terms and the petition is disposed of accordingly.

JUDGE

Belkhede