



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4532 OF 2019

Salim Ajmal Hannure

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Adv. Nitin V. Gaware Patil and Adv. Aniruddha A. Nimbalkar for
Petitioner.

Adv. Abhijit S. More for Respondent No.3.

CORAM : S. G. MEHARE,
S. G. CHAPALGAONKAR, JJ.

DATED : 5th DECEMBER 2024.

PC.:-

1. The Petitioner impugned the communication dated 16th August 2018, issued by Respondent No.3-Municipal Council, Paranda, thereby rejecting his claim for appointment on compassionate ground.

2. Mr. Nimbalkar, learned Advocate appearing for the Petitioner submits that previously also the claim of the Petitioner for appointment on compassionate ground was rejected by Respondent-Municipal Council, Paranda. Consequently, Petitioner was required to approach this Court. Accordingly Writ Petition No.6993 of 2014 was preferred. The said writ petition was taken for hearing before this Court on 13th April 2016. After considering submissions advanced, this Court was

pleased to partly allow the writ petition and issued directions which read as under:-

“5 In that view of the matter, in our considered opinion, the reasons assigned by the District Collector, Osmanabad while rejecting claim of the petitioner are not sustainable. The petitioner's father was in regular employment with the respondent Municipal Council, working as a clerk and, therefore, the impugned communication stands quashed and set aside. The respondents are directed to consider the case of the petitioner on its own merits, without raising the ground of disentitlement of the petitioner for appointment on compassionate ground as his father was initially appointed on daily wages. The respondents to consider the case of the petitioner, on merits and taking in view the Government Policy and after verifying the qualifications possessed by the petitioner, as expeditiously as possible; however, within a period of six weeks from today and communicate the decision so taken to the petitioner.”

3. Mr. Nimbalkar would further invited attention of this Court to the impugned order dated 16th August 2018 passed by the Chief Officer, Municipal Council, Paranda, which is placed at page 112 at Exhibit-P. The perusal of the order would show that again claim of Petitioner for compassionate appointment has been rejected by giving very same reason. In fact, it was obligatory on the part of Respondent-Municipal Council to consider the claim of the Petitioner without impeded by the fact that his father was initially appointed as temporary employee. We find that the impugned order has been passed in ignorance of specific directions given by this Court in earlier round of litigation. No other ground is employed into service while rejecting claim of the Petitioner in the impugned order.

4. In that view of the matter, the impugned order cannot be sustained in law. Consequently, writ petition succeeds.
5. The impugned order dated 16th August 2018 passed by Municipal Council, Paranda is hereby quashed and set aside.
6. Respondent No.3-Municipal Council shall reconsider the claim of the Petitioner for compassionate appointment as per rules and the policy applicable, without impeded by the nature of the appointment of the Petitioner's father and particularly taking into account directions of this Court in earlier order dated 13th April 2016.
7. Respondent No.3 shall reconsider and decide the claim within three months from today.
8. Writ petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

(S. G. MEHARE, J.)