



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO. 9322 OF 2024

AJIT SHIVAJI PAWAR PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AND OTHERS

...

Mr. Nileshsingh J. Patil , Advocate for the Petitioner

Mr. S. R. Wakale, AGP for the Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 2nd September, 2024

ORDER:

1. The Petitioner is a 36 years old man. He is married. He has children. His father died on 31.01.2024. His father was a daily wager with Respondent No.2, Nagar Parishad, Osmanabad. The Petitioner raised a claim for compassionate appointment in view of GR dated 11.07.2019. The date of birth of the Petitioner is 20.06.1988. He became an adult of 18 years of age, on 20.06.2000. He moved an application on 24.01.2005 and the said application has now been rejected by a communication dated 21.07.2017, with the remark that the application has been filed belatedly, beyond the limitation period.

2. The Petitioner's father was said to be daily wager. No details of his daily wage working are set out in the Petition. It is conceded that he was not a permanent employee with the Municipal Council. He died on 31.01.2004. It is 20 years ago, that his father passed away, the

Petitioner was already 22 years of age. An application was moved by the Petitioner on 24.01.2005. We are circumspect as to whether a legal heir/dependent of a daily wager, can seek compassionate appointment. Though the GR talks of a scheme being applicable to permanent and temporary employees, it further clarifies that such employees must be working in Group-C or Group-D. Their appointment must be on the rolls of Nagar Panchayat. If they were in daily wage service prior to 27.03.2000, they would be considered.

3. Admittedly, the Chief Officer, Municipal Council informed the Petitioner vide letter dated 27.04.2005, that his father was working with effect from 31.10.2001 on daily wages, intermittently and was not covered by the GR, which requires a daily wager to be in employment, having secured such daily wage service prior to 27.03.2000.

4. In view of the above, we do not find that the impugned order could be termed as being perverse or erroneous. **This Writ Petition is, therefore, dismissed.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan