



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

19 WRIT PETITION NO. 1342 OF 2024

**RAHUL MOHAN LAHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
COMMISSIONER AND DIRECTOR AND OTHERS**

....

Mr A. B. Chalak, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent Nos.1 & 2
Mr S. S. Bora, Advocate for Respondent Nos.3 to 5

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 5th February, 2024

PER COURT:

1. The Petitioner's father, admittedly was working as a 'Safai Badli Worker' with the Respondent/Municipal Corporation, Parbhani. A 'badli worker', defined under the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 means a substitute, who is appointed temporarily in place of the permanent workman or probationer, who is temporarily absent and whose name is entered in the 'Badli Register'.

2. The Petitioner's father died on 02/09/2004. The Petitioner was 20 years of age when his father passed away. He

(2)

moved an application for compassionate appointment on 24/05/2005 to the Respondents/Authorities. Admittedly, his father was never a permanent employee in the Corporation. A 'badli worker' would not have any right to any post.

3. The Petitioner is now married, has children and is 40 years of age.

4. The learned Advocate for the Petitioner submits in the alternative that, if his claim for compassionate appointment is not being considered, the widow i.e. his mother may be paid the gratuity amount. The widow will be entitled for the gratuity amount.

5. We requested the learned Advocate Shri. Bora, who is on the Panel of the Parbhani Municipal Corporation, to assist us. He submits that, only if a 'badli worker' is legally entitled for gratuity, the Corporation would initiate appropriate steps. If not, no gratuity would be payable.

6. In view of the above, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)