



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

WRIT PETITION NO.4359 OF 2023

[Salitabai wd/o Pyarelal Meshram .Vs. State of Maharashtra and Anr.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr B. C. Chandrakapure, Advocate for Petitioner.
Ms T. H. Khan, AGP for Respondent/State.
Mr A. S. Mehadia, Advocate for Respondent No.2.

CORAM : **AVINASH G. GHAROTE AND**
SMT. M. S. JAWALKAR, JJ.

DATE : **21st FEBRUARY, 2024.**

. Heard Mr Chandrakapure, learned counsel for petitioner.

2. The petition is by the widow of one Pyarelal Meshram, who was employed with the respondent No.2 as a Safai Kamgar, by virtue of the order of appointment dated 02.03.2020, in pursuance to the Government Resolution dated 20.09.2019 and passed away on 15.08.2022, seeking compassionate appointment, in view of the recommendations of the Lad-Page Committee.

3. It is contended, that since the said recommendations by the Lad-Page Committee were applicable to the deceased husband of the petitioner, she is entitled to be appointed on compassionate ground in the same post.

4. Mr Mehadia, learned counsel for respondent No.2, opposes the contention by contending that the employment

of the deceased husband of the petitioner as a Safai Kamgar was by creation of a supernumerary post and upon his demise, the post stood lapsed and therefore, there is no question of the appointment of the petitioner on compassionate ground, in terms of the Lad-Page Committee report, which also is not applicable.

5. A perusal of the order of appointment dated 02.03.2020 (Page 14) would indicate, that it is on a supernumerary post created for the purpose of accommodating the petitioner. This is in pursuance to the GR dated 20.09.2019. Clause No.18 of the said appointment order categorically indicates, that the recommendations of the Lad-Page Committee would not be applicable to the legal heirs of the deceased employee as the post on which the petitioner's husband was appointed was a supernumerary post.

6. Mr Chandrakapure, learned counsel for the petitioner, relies upon Clause (9) of the GR dated 20.09.2019 to contend, that the recommendations of the Lad-Page Committee would be applicable.

7. In our considered opinion, the matter would be governed by Clause (8) of the said GR dated 20.09.2019, which indicates, that since the post was being created specially as a supernumerary post for the husband of the petitioner, it would automatically stand lapsed upon his retirement and his legal heirs, therefore, would not have

any right upon the said post. In our considered opinion, Clause (8) of the said GR dated 20.09.2019, would override what is stated in Clause (9), otherwise Clause (8) would become redundant.

8. So also, the reliance placed by the learned counsel for the petitioner upon the certificate dated 15.08.2022 is clearly misplaced, in view of the terms of the order of appointment dated 02.03.2020 and nothing has been brought on record or pointed out to us that any point of time after the appointment, the petitioner's husband was shifted to a regular permanent vacant post. We, therefore, do not see any merit in the petition, the same is **dismissed**. No costs.

(M. S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)