



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

906 WRIT PETITION NO. 914 OF 2022

Jaya Ganpatrao Ningule

VERSUS

The State Of Maharashtra Thr Its Chief Secretary And Others

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Dr. R. R. Deshpande h/f. Mr. Priyanka R. Deshpande, Advocate for the
Petitioner

Ms. R. P. Gour, AGP for Respondents/State

Mr. U. S. Malte, Advocate for Respondent No.2.

Mr. Shrinivas Abhimanyu Ambad, Advocate for Respondent No.3

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CORAM : R. G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATED : NOVEMBER 11, 2025

P.C.:

1. Heard.

2. The deceased was real brother of the petitioner. He died in harness leaving behind his widow/Respondent No.3. On demise of deceased, both the Petitioner and his widow/Respondent No.3 moved an application for grant of compassionate ground.

3. Since, Respondent No.2-MSEDCL was the Employer of the deceased, Scheme of 1975 promulgated by Respondent-MSEDCL as regards compassionate appointment would cover the subject matter of this Writ Petition. The definition of the family given in the scheme reads thus :-

“Family includes wife of the deceased employee, sons, unmarried daughters and dependent unmarried brothers and sisters.”

4. It is true that all was not well between the deceased and his wife-Respondent No.3. The deceased even during his last days had

made an application to his Employer informing that the Petitioner had been taking care of him and in case a question of grant of his service benefits including the appointment on compassionate ground, the petitioner be given the same.

5. It has been informed that the petitioner has now been married. It is true that on the date on which her brother passed away, she was spinster and therefore qualify to be eligible for grant of compassionate appointment, since she was said to have been dependent on the income of the deceased. Admittedly, the marital relationship between the deceased and Respondent No.3 did subsist till his last breath. As such Respondent No.3 being his widow would have to be preferred by the Employer for grant of compassionate appointment. Although, the members covered by the definition of the family do not get any preference as no rules speak therefore. It is not known as to why the Employer inspite of the widow being entitled for grant compassionate appointment has still not granted her the same. Admittedly, there was no order passed in this Writ Petition or in any other proceedings restraining the Employer from exercising its power to grant appointment on compassionate ground.

6. It is true that the Petitioner was dependent on the deceased and Respondent No.3 was even not staying with the deceased during his last days. We have to go by the letters of the sub-ordinate legislation or the Scheme as regards grant of compassionate appointment. In exercise of our writ jurisdiction, we prefer the widow/respondent no.3 over the claim of the Petitioner, unmarried sister of the deceased. Admittedly, widow/Respondent No.3 has been given temporary appointment that too for ten days in a month. We hope that a good console would prevail

and Respondent No.2-MSEDCL would grant widow/Respondent No.3 appointment on compassionate ground if she is otherwise find entitled thereto.

7. Writ Petition stands dismissed accordingly.

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]