

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5724 OF 2023

Ahmednagar Municipal Corporation Through Its Commissioner

VERSUS

Sushilabai Bansi Ghorpade And Another

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Advocate for the Petitioner : Mr. Bedre Vinayak Sudhakar

Advocate for Respondent No.1 : Mr. Barde Parag Vijay

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 10, 2025

PER COURT :

1. Heard Mr. V.S. Bedre, learned counsel for the petitioner and Mr. Parag Barde, learned counsel for respondent no.1.
2. By way of present petition, the petitioner challenges the order dated 18.04.2022 passed by the learned Industrial Court, Ahmednagar in Complaint (ULP) No.79 of 2015, whereby the complaint filed by the respondents came to be allowed.
3. Mr. Bedre, learned counsel for the petitioner submits that as this case is based on compassionate appointment claimed by respondents, the employee by name Bansi stood retired from service in 2000 on medical ground and thereafter, the State Government sanctioned the post and even the application filed by the wife and grandson was not maintainable. The job of providing compassionate appointment is required to be considered only to the families who needs immediate relief. All these facts were not considered by the

Industrial Court and therefore, he submits that the order needs to be set aside.

4. Per contra, Mr. Barde, learned counsel for the respondent submits that as this entire complainant's case is based on Lad-Page Committee recommendation, which is regarding appointment to the legal heirs of such employees who are Class-IV employees. As the government has already accepted those recommendations on the basis of those recommendations, the legal heirs are entitled for appointment in place of those employees.

5. I have gone through the order passed by the learned Industrial Court. The learned Industrial Court has considered the matter in tune with the Lad-Page Committee recommendation. The learned Industrial Court has considered this and recorded findings in para 9 of the its order, which reads as under :

"9. The above judgment is applicable. The Hon'ble Bombay High Court specifically mentioned that, no distinction can be made as regards grant of appointment by virtue of succession to Class-IV employee appointed pursuant to the order of the Court and who has been duly appointed as per recruitment procedure. Pursuant to the said judgment of the Hon'ble Bombay High Court, the legal heir / family member of the employee who is retired from the service as a Sweeper, are entitled to get employment in view of Lad & Page Committee recommendations. Thus, it is clear that the respondent has not considered the claim of the complainants in correct manner and refused to give employment as per recommendations of Lad & Page Committee. Therefore, it is proved that the

respondent is engaged in an unfair labour practices under Item-5 & 9 of Sch.IV of the Act, 1971. The complaint is therefore maintainable and complainants are entitled to get employment as per Lad & Page Committee recommendations.”

6. Therefore, considering the above findings recorded by the learned Industrial Court, as the same is based on recommendations of Lad-Page Committee, therefore, the respondents are entitled for appointment in place of the employee who was retired from service on medical ground.

7. Therefore, I do not find any reason to interfere with the order dated 18.04.2022 passed by the learned Industrial Court, Ahmednagar in Complaint (ULP) No.79 of 2015.

8. The petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)