



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

1001 WRIT PETITION NO. 5780 OF 2023

Manoj Shivdas Pardeshi And Others

VERSUS

The State Of Maharashtra Through Secretary And Others

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Mr. Patil (Borse) Paresh B., Advocate for the Petitioner

Ms. S.S. Joshi, AGP for Respondents/State

Ms.M. S. Sonawane, Advocate for Respondent Nos.2 to 4 To 4
(waives), Gujar V.v. For R/2 To 4, Advocate for Respondents

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

DATED : DECEMBER 19, 2025

P.C.:

1. Heard.

2. The fathers of the petitioners were serving with Respondent-Zilla Parishad. They died in harness. The petitioners therefore preferred applications for grant of appointment on compassionate ground. The petitioners were given appointments on compassionate ground in 2020. After about completion of two years of service, Respondent-Zilla Parishad issued them notice to show cause as to why their services should not be terminated, since the scheme of compassionate appointment was not applicable to their case/s.

3. According to Respondent/Zilla Parishad, the fathers of the petitioners were serving on the post the salary of which was paid out of self-generated funds. According to the learned Counsel for Respondent-Zilla Parishad, in view of the G.R. dated 31.07.2025 the scheme of

compassionate appointment was not applicable to such employees and therefore grant of compassionate appointment to the petitioners was illegal and therefore show cause notices and even going ahead for terminating their services, was justified.

4. We failed to understand as to how such a distinction could be made out between the employees who are paid from grants provided by the State Government and/or paid out of self-generated funds. It is not the case of Respondent/Zilla Parishad that the employees died in harness, were not permanent employees of the Respondent/Zilla Parishad. The scheme of compassionate appointment introduced by the Respondent-State was made applicable to the Respondent-Zilla Parishad. We do not come across any clause in the said scheme indicating it to have no application to the employees who are paid salary from self-generated funds. Admittedly the petitioners have been given employment in 2020. It is only in 2025, a Government Resolution has been issued by the State Government indicating compassionate appointment scheme to have no applicable to the employees died in harness, whose salary was paid in self-generated funds. The Government Resolution which was issued five years after the petitioners were given appointment on compassionate ground could not be made applicable to them with retrospective effect. On the date they were given the employment there was no bar for providing them employment on compassionate ground. This Court in the case of ***Amol s/o Sahebrao Suryawanshi Vs. The State of Maharashtra and Ors.*** in ***Writ Petition No.9119 of 2021*** and other connected matters in paragraph 21 has specifically observed thus :

“21. We are therefore of the considered opinion that the respondent Zilla Parishad erred in rejecting the case of the

petitioners for compassionate appointment solely on the ground that the salary of the deceased employee was being paid through the self generated funds/income of the Zilla Parishad. We hold that even the employees who were being paid initially from self generated funds/income of the Zilla Parishad and later on conferred permanent status and brought on permanent establishment of the Zilla Parishad are also required to be treated as covered in the scheme for compassionate appointment.”

5. Learned Counsel for Respondent/Zilla Parishad places on record a communication made by the Zilla Parishad to the State authorities seeking guidance as to whether in case like one of the petitioner an appointment on compassionate ground could be given, it is informed that the said guidance is still awaited.

6. In the aforesaid factual backdrop and more so when the show cause notices and consequential termination orders were issued against the petitioner about two years after they were given appointment on compassionate ground and there being no scheme then prevailing, providing for distinction between the employees paid salary from grant-in-aid and from self-generated funds, we find the action of the Respondent/Zilla Parishad to be unsustainable. We therefore allow the Writ Petition in terms of prayer clauses (B) to (D).

[ABASAHEB D. SHINDE, J.]

[R. G. AVACHAT, J.]