

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8575 OF 2022

Kanoba Manik Kamble

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Advocate for the Petitioner : Mr. Kadam V. P.

AGP for Respondent/State : Mr. S.S. Dande

Advocate for Respondent No.2 : Mr. R.K. Ingole

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**CORAM : S.G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATED : JANUARY 24, 2025

PER COURT :

1. The petitioner is aggrieved by the communicated dated 11.05.2021 by which he is denied the benefits of recommendation of Lad-Page Committee. Petitioner's father was appointed with the establishment of respondent no.2 on the post of sweeper. He had rendered 30 years of services and he was superannuated on 30.06.2017. The petitioner made representation seeking appointment on compassionate ground as his father was working as sweeper. By impugned communication, it was held that his father was not working on the establishment of sanitation and, therefore, petitioner was not entitled to any relief.

2. Learned counsel appearing for respondent no.2 opposes the claim of the petitioner. He would submit that though petitioner's father was working as a sweeper, he was allotted some other work

and, therefore, the petitioner cannot claim the benefit of the scheme. He would further submit that the guidance was solicited from the State Government vide letter dated 21.09.2021 and thereafter, the impugned communication was issued. He would also rely on the standing order dated 01.08.2006 and more particularly to para 43(A).

3. The appointment order of the petitioner's father is placed on record which is of 21.08.1984 in which it is clearly mentioned that his appointment was as a sweeper. There is no dispute that he rendered more than 30 years of service and thereafter, superannuated on 30.06.2017. We have also considered the standing order dated 01.08.2006 more particularly para 43(A), the circular dated 21.10.2011 and letter dated 26.10.2021. The unequivocal position which reveals from this correspondence is that if the appointment is as a 'Sweeper' or a 'Safai Kamgar', then the benefit of recommendation of Lad-Page Committee are admissible.

4. In view of the correspondence, there is no iota of doubt that petitioner's father was appointed as sweeper. If the respondent/establishment was extracting service of his father other than sweeping, then it would be inconsequential. We are of the considered view that beneficial scheme of the recommendation of Lad-Page Committee can be made applicable to the petitioner. We find that the impugned communication is unsustainable.

5. We have already taken view in the matter of **The State of Maharashtra through the Secretary and Others Vs. Goroba s/o Ram Aaradwad and Others, Writ Petition No.3204 of 2023** with other connected matters decided on 08.01.2025 that the appointments are regulated by Government Resolution dated 24.02.2023. It would be appropriate for the respondent/establishment to consider the claim of the petitioner in objective manner. We, therefore, pass the following order :

ORDER

- (i) Writ Petition is allowed.
- (ii) Impugned communication dated 23.11.2020 and 11.05.2021 are quashed and set aside.
- (iii) Respondent No.2 shall consider the claim of the petitioner in objective manner in view of the Government Resolution dated 24.02.2023 and take decision within a period of four weeks from today.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)