

WRIT PETITION NO. 15496 OF 2024

Suraj Balasaheb Gadakh	...	Petitioner
versus		
The State of Maharashtra & Ors.	...	Respondents

Mr.Sachin Kadam for the Petitioner.
Mr.S.P.Kamble, AGP for Respondent No.1, State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 26th February, 2025

P.C. :-

1. The learned Advocate for the Petitioner submits that the Petitioner has served the Office of the Chief Executive Officer, Maharashtra Industrial Development Corporation (MIDC), Mumbai. A photostat copy of the communication, dated 25th February, 2025 bearing the acknowledgment receipt, is placed on record, which is marked as **‘X’** for identification.

2. The issue raised in this Petition would not detain us from disposing off the Petition today itself. The Petitioner claims to

be the brother of Pravin Balasaheb Gadakh, who was working as an Assistant with the MIDC, Respondent No.2 herein, at Mumbai. He was a permanent employee. He was a bachelor. He met with an accident and passed away on 2nd August, 2016. Being a younger brother and a bachelor, the Petitioner was dependent upon the earnings of the deceased.

3. The facts of the present case are as under :

(a) On 7th November, 2016, the Petitioner moved an Application for compassionate appointment.

(b) On 16th January, 2017, the Chief Engineer, MIDC, Mumbai forwarded the Application for further scrutiny to the Administrative Officer, MIDC.

(c) On 23rd February, 2017, the Administrative Officer addressed a letter to the Chief Engineer, MIDC and a query was raised with regard to certain documents. An heirship certificate was demanded.

(d) On 30th October 2018, the Petitioner received the heirship certificate.

(e) The compilation of the documents were tendered to the MIDC, on 2nd November, 2018.

(f) After the corona pandemic lock down restrictions were lifted, the Petitioner frequently visited the Office of the MIDC on numerous occasions, dates having been specifically mentioned in the memo.

4. The learned Advocate for the Petitioner relies upon the judgment of the Hon'ble Supreme Court in *Malaya Nanda Shetty V/s. State of Orissa*¹ which mandates that such Applications should be decided within six months.

5. In view of the above, the prayer put forth by the Petitioner is that his Application seeking compassionate appointment dated 7th November, 2016 accompanied with the documents, including the heirship certificate tendered on 2nd November, 2018, be decided within a time frame.

6. In view of the above, **this Writ Petition is disposed off.**

1 2022 SCC OnLine SC 684

7. We direct that Respondent No.2 shall decide the above stated Application in the light of the documents tendered by the Petitioner, within 60 days from today and if there is no legal impediment, the MIDC shall proceed to issue an order of compassionate appointment, depending upon the vacancies/available posts and the educational qualifications of the Petitioner. If an adverse order is passed, the same shall contain reasons.

8. The Petitioner shall serve a copy of this order obtained from the official website of this Court, to Respondent No.2, by Speed Post/A.D.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)