REPORTABLE FINAL ORDER

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3068 OF 2025

Ajay Ganesh Shirodkar ...Petitioner

Versus

The Zilla Parishad, Palghar & Ors. ...Respondents

AND

WRIT PETITION NO. 3069 OF 2025

Ashok Kashinath Pilena ...Petitioner

Versus

The Zilla Parishad, Palghar & Ors. ...Respondents

AND

WRIT PETITION NO. 3070 OF 2025

Ajay Santosh Bhavari ...Petitioner

Versus

The Zilla Parishar, Palghar & Ors. ...Respondents

AND

WRIT PETITION NO. 3071 OF 2025

SUNNY ANKUSHRAO THOTE
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Ajay Ramesh Lahange ...Petitioner

Versus

The Zilla Parishad, Palghar & Ors. ...Respondents

Mr. Vikram Walawalkar a/w Mr. Amey Sawant, Advocate for the Petitioner.

Mr. Ajit M. Savagave a/w Ms. Samruddhi Kulkarni, Advocate for Respondent No.1/Z.P.

Ms. D.S. Deshmukh, AGP for Respondent No.4/State in WP/3068/2025.

Mr. A.C. Bhadang, AGP for Respondent No.4/State in WP/3069/2025.

Mr. A.K. Naik, AGP for Respondent No.4/State in WP/3070/2025.

Ms. P.N. Diwan, AGP for Respondent No.4/State in WP/3071/2025.

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

DATE : 4th MARCH, 2025

FINAL ORDER (PER : RAVINDRA V. GHUGE , J) :-

1. With reference to Writ Petition No.3068 of 2025, leave to delete the document at Page No.72, to be replaced by the copy of the impugned order.

2. In all these Petitions, the Petitioners have approached this Court challenging identical impugned orders, all dated 16th January, 2025, passed by the Chief Executive Officer, Zilla Parishad, Palghar. All these Petitioners are Compassionate Appointees. All are identically situated. All are working with the Panchayat Samiti, Palghar, Zilla Parishad, Palghar. The deceased parents were working with the Zilla Parishad, Thane and it is after bifurcation that the compassionate appointments were made by the Panchayat Samiti, Palghar, Zilla Parishad, Palghar.

3. In all these Petitions, the impugned orders refusing to regularize the appointments of these compassionate appointees, are based on the ground of delay. For ready reference, we are reproducing the chart tendered by the learned Advocate for the Petitioners, as under :-

Sr. No.	Writ Petition No.	Petitioner Name	Date of Death of Parent	Relation	Date of Application	Age at Application	Delay in Application	Date of Appointment	Date of Impugned Order	Reason in Notice
909	WP/ 3068/ 2025	Ajay Ganesh Shirodkar	05.05.2007	Son	07.08.2009	34	~1 year 3 months	21.02.2017	16.01.2025	Delay in application
910	WP/ 3069/ 2025	Ashok Kashinath Pilena	11.07.2002	Son	12.07.2004 (Reminder- 19.07.2016 and 04.10.2016)	29	~1 year	21.02.2017	16.01.2025	Delay in application
911	WP/ 3070/ 2025	Ajay Santosh Bhavari	27.04.2009	Son	28.04.2010	35	1 day	21.02.2017	16.01.2025	Delay in application
912	WP/ 3071/ 2025	Ajay Ramesh Lahange	04.08.2009	Son	10.10.2010	18	~2 months	21.02.2017	16.01.2025	Delay in application

4. It is, thus, apparent that in all these Petitions, the delay in these cases are viz. of one year and three months (Ajay Ganesh Shirodkar), one year (Ashok Kashinath Pilena), one day (Ajay Santosh Bhavari) and two months (Ajay Ramesh Lahange). In the last case of Mr. Lahange, he made an Application two months after he became 18 years of age.

5. The learned Advocate for the Zilla Parishad has strenuously opposed all these Petitions and submits that each of these Petitions deserves to be dismissed with heavy costs. There is no dispute that as on the date of appointment of these Petitioners on compassionate basis, on 21st January, 2017, the limitation was of one year.

6. The Government Resolutions dated 23rd August, 1996 and the Government Circular date 5th February, 2010, indicate instructions issued by the State Government as regards the obligation on the office in which the deceased Employee was working at the time of passing away, to apprise the family members regarding the compassionate appointment and get the documentation done by rendering assistance to the bereaved family so as to ensure that the application is tendered within limitation.

7. The relevant clause as existing by virtue of the said Government Resolution and Government Circular, has been reiterated and reproduced below Clause 7(a) in the Government Resolution dated 21st September, 2017, which reads thus :-

> *"**(७) योजनेची माहिती देण्याची जबाबदारी** :–*
>
> ***(अ)** आस्थापना अधिका–याने अनुकंपा तत्वावर नियुक्तीच्या योजनेची माहिती (योजनेचा उद्देश, पात्र नातेवाईक, अर्ज करण्याची मुदत, शैक्षणिक अर्हता, टंकलेखन प्रमाणपत्र सादर करण्यास मुदत, अर्ज विहीत नमुन्यात भरणे इ. माहिती) शासकीय कर्मचा–याच्या मृत्यूनंतर १५ दिवसानंतर किंवा कुटुंबनिवृत्तीवेतनाची कागदपत्रे पाठविताना शासकीय कर्मचा–यांच्या कुटुंबियांना त्वरीत उपलब्ध करुन देणे आवश्यक आहे. तसेच सदर माहिती मिळाल्याबाबत कुटुंबाकडून पोच घेणे आवश्यक आहे. (शासन निर्णय, दि. २३.०८.१९९६ व शासन परिपत्रक दि.५.२.२०१०)"*

8. In the case of ***Roshan Vitthal Kale and another V/s. State of Maharashtra and others, 2020 (3) Mh.L.J. 470***, this Court has held that whenever the policy requires that the Employer should inform the bereaved family about the opportunity of compassionate appointment, it should assist the family members in preparation of documents and submissions of the proposals. This Court has ruled that if there is any delay in the absence of any assistance by the office to the bereaved family or in the absence of the concerned officer of the department intimating the family and assisting it in preparation of the records, the benefit should be granted to the

bereaved family. In short, instead of following a pedantic approach, a pragmatic approach has to be accepted.

9. The relevant Paragraph No.11 of *Roshan Vitthal Kale (Supra)*, reads as under :-

> *"11. We, therefore, find that when the Associate Professor was specifically cast with the duty of informing petitioner No.1 – Roshan that he is eligible for compassionate appointment and when the said Associate Professor failed to ensure that the application was prepared and accepted within a period of one year, petitioner No.1 apparently was left in the lurch. It is on these peculiar facts of this case that we find that petitioner No.1 was unable to file his application within limitation. Even today, petitioner No.1 and his two younger sisters are said to be living in abject poverty and he has to search for a job on each day so as to feed himself and his two sisters."*

10. The learned Advocate for the Zilla Parishad submits that the delay is admitted, though ranging from one day to one year and three months. He is contends that the Chief Executive Officer, Zilla Parishad has passed the impugned orders, strictly as per the rules.

11. We are, however, interfering with the impugned orders on the following grounds :-

(a) These Petitioners are from the Class-IV categories. They were not apprised of the limitation by any officer of the department and there was no assistance in preparation of the proposals for their submission within the limitation period.

(b) After the death of the bread earner, which is evident from the chart reproduced above, the Applications were kept pending for periods ranging from 8 years to 15 years. The law laid down by the Hon'ble Supreme Court in ***Malaya Nanda Sethy V/s. State of Orissa, 2022 SCC OnLine SC 684***, mandates that such Applications have to be decided by the Employer within six months and should not be kept pending.

(c) The delay caused by the department between 8 years to 15 years, in passing orders on these applications would not truncate the rights of these Petitioners, rather has made them suffer the rigours of delay.

12. Taking into account the above factors, we find that the Petitioners' cases rest on peculiar facts and circumstances. The fact that the Zilla Parishad, Thane did not apprise the bereaved family

and did not assist any of them in filing the Application for compassionate appointment, within one year despite the Government Resolution dated 23rd August, 1999 and the Government Circular dated 5th February, 2010, should not jeopardize the rights of these Petitioners. So also, the pendency of their Applications for periods ranging from 8 years to 15 years, should not dislodge their claims. Taking a holistic view of these factors, we conclude that these Petitioners, after 8 years of being in compassionate appointment, can not be thrown out of Employment.

13. As such, these **Writ Petitions are allowed**. The impugned orders dated 16th January, 2025, stand quashed and set aside. We direct the Zilla Parishad to record that the appointments of these Petitioners shall be regularized and they shall be entitled for all such benefits, as are available to a regularized Employees.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**