



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

WRIT PETITION NO.1608 OF 2025

1. Siddesh s/o Mahesh Tayade
Aged about 28 Years,
Occupation – Nil
R/o, C/o Puja Collection
Near Jain Bhavan, Gandhi Chowk,
Chandrapur – 442402.
2. Smt. Swati wd/o Mahesh Tayade
Aged about 52 Years,
Occupation – Private (Running Small
Cloth and General Store)
R/o, C/o Puja Collection
Near Jain Bhavan, Gandhi Chowk,
Chandrapur – 442402. **PETITIONERS**

...VERSUS...

1. Chandrapur City Municipal Corporation
Through its Commissioner General
Administration Department
Gandhi Chowk Road, Bazar Ward
Chandrapur – 442402.
2. State of Maharashtra Through its
Secretary, Urban Development
Department, Mantralaya,
Mumbai 32. **RESPONDENTS**

Mr. Sachin Khandekar, Advocate for Petitioners.
Mr. M. I. Dhattrak, Advocate for Respondent No.1.
Mr. A. V. Palshikar, AGP for Respondent No.2/State.

CORAM: **SMT. M. S. JAWALKAR AND RAJ D. WAKODE, JJ.**
DATE: **17th SEPTEMBER, 2025.**

ORAL JUDGMENT: (PER RAJ D. WAKODE, J.)

1. Heard. **Rule.** Rule made returnable forthwith by consent of the learned counsels for the parties.

2. The petitioner before this Court has challenged the impugned orders dated 02.02.2022 placed at Annexure No.XI, 24.02.2022 placed at Annexure No.XV and 28.06.2022 placed at Annexure No.XVIII, all orders passed by the respondent No.1 Commissioner, Chandrapur City Municipal Corporation, Chandrapur. The contention of the petitioner is that Mr. Mahesh Tayade, the father of the petitioner No.1 and the husband of the petitioner No.2 was working with the respondent No.1. While in service Mr. Mahesh Tayade expired on 23.02.2011. At the time of his death, the petitioner No.1 was a minor and hence his mother the petitioner No.2 had applied for appointment on compassionate basis on the place of her husband on 10.03.2011. However, the petitioner No.2 reached the age of 45 and hence, she applied for substitution of the name of the petitioner No.2 at her place which was rejected by the respondent No.1 by virtue of the aforesaid impugned communication. The aforesaid issue is no more *res integra* in view of the judgment of this Court place at record page No.125 passed in the case of *Kalpana wd/o Vilas Taram and another v. State of Maharashtra and others* reported in 2024(4)

Mh.L.J. (FB.) 312 which held that the aforesaid substitution is permissible. In compliance of the aforesaid law settled by the Full Bench of this Court, we intend to allow the present writ petition. Mr. Dhattrak, the learned Counsel appearing for the respondent No.1 also fairly conceded the aforesaid position and also has placed on record the copy of order passed by this Court in Writ Petition No.8019/2022 which permitted such substitution. In view of the above judgment by this Court, we allow the present petition. The impugned orders dated 02.02.2022, 24.02.2022 and 28.06.2022 passed by the respondent No.1 Commissioner, Chandrapur City Municipal Corporation, Chandrapur are hereby quashed and set aside.

3. We permit the petitioner to appear before the Additional Municipal Commissioner of respondent No.1 on 30.09.2025.

4. The Additional Municipal Commissioner shall deal with the claim of the petitioner in the light of the Full Bench decision of this Court in the matter of *Kalpna wd/o Vilas Taram and another* referred supra, as expeditiously as possible, and in any case, within a period of four weeks, from the date of appearance.

5. Once the petitioner is allowed to be eligible for employment on compassionate ground, the appointment order shall be issued to the petitioner, as per seniority.

6. The petition accordingly partly allowed in the aforesaid terms.

(RAJ D. WAKODE, J.)

(SMT. M. S. JAWALKAR, J.)