



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

WRIT PETITION NO. 7047 of 2023

Samir s/o Sadik Kame and another

vs.

The Chief Secretary, Government of Maharashtra, Mumbai and others.

Mr. S. A. Kalbande, Advocate for petitioners.
Ms Kalyani Marpakwar, AGP for respondent nos. 1 & 3.
Mr. S. A. Sahu, Advocate for respondent no. 2.

CORAM :- NITIN W. SAMBRE and SACHIN S. DESHMUKH, JJ.

DATE :- 19th JUNE, 2025

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Heard.

2. Sadik, deceased father of the petitioner no.1, was in the employment with the respondent no.2, who suffered untimely death on 20.01.2013.

3. The petitioner no.2-widow of Sadik and the mother of the petitioner no.1 applied for grant of compassionate appointment on 09.12.2013.

4. The widow-Safiya thereafter crossed the age barrier of 45 years, in which period, she was not offered any employment. As such, substitution of the candidature of the petitioner no.1 is sought.

5. The said issue fell for consideration before the Full Bench of this Court in the matter of *Kalpana wd/o Vilas Taram and another vs. State of Maharashtra and others*, reported in [2024 (4) Mh. L. J.(F.B.) 312].

6. As the issue of permitting the substitution is already endorsed by the Full Bench of this Court, the cause cited for not granting substitution in favour of the petitioners is not germane. That being so, we set aside the decision of the respondents of refusing to substitute

the candidature of the petitioner no.1 for grant of employment on compassionate ground.

7. We permit the petitioner no.1 to appear before the Chief Officer, Nagar Parishad, Umred, district Nagpur, on **17.07.2025**.

8. The Chief Officer shall deal with the claim of the petitioners in the light of the Full Bench decision of this Court in the matter of *Kalpana wd/o Vilas Taram and another* (supra) as expeditiously as possible and in any case within a period of four weeks from the date of appearance.

9. Once the petitioner no.1 is allowed to be eligible for employment on compassionate ground, the appointment order be issued to the petitioner no.1 as per seniority.

10. The writ petition is accordingly partly allowed in above terms. No order as to costs.

(SACHIN S. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)

Andurkar.