



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

WRIT PETITION NO.4643 OF 2024

Divisional Controller, MSRTC, Akola Vs. Smt. Vidya Ajay Ambhore

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.H. Kedar, Advocate for the Petitioner.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 13th OCTOBER, 2025

1. Heard Mr. V.H. Kedar, learned counsel for the petitioner.
2. Learned counsel for the petitioner submits that learned Industrial Court, Akola committed an apparent error while granting compassionate appointment and the same is contrary to the policy of Corporation. More particularly, he submits that in a policy, it is mandatory to give a no-objection from the other person, if there are two persons claiming appointment on the said post. He further submits that there was a specific contention raised in the written statement, whereby, respondent was asked to get NOC from Ku. Manisha Alias Mudra Ajay Ambhore. It was expected on the part of the respondent to get NOC from Ku. Manisha Alias Mudra Ajay Ambhore on a stamp paper of Rs.100/- (Rupees One Hundred Only).
3. He further submits that the policy holds the same for all employees and applied to all of them. The learned Industrial Court ought not to have directed the

appointment of the respondent within the time stipulated. He also stated that the learned Industrial Court ought to have directed only to consider the application and it is for the Corporation to consider it as per the policy and circular. Learned counsel for the petitioner also contended that there is no employer-employee relationship and on that count also, the order is not proper.

4. Thereafter, he pointed out that the learned Industrial Court has directed the Corporation to appoint respondent on the said post by recording the finding that the learned Industrial Court had called Ku. Manisha Alias Mudra Ajay Ambhore and she submits that she is financially sound and she is not putting her claim over the said post. Therefore, based on the observations that she is not claiming compassionate appointment, he urged to interfere with the order passed by the learned Industrial Court.

5. He further submits that the Corporation is not against the issuance of appointment order, but the circular and policy must have followed and if, Ku. Manisha Alias Mudra Ajay Ambhore, had given an undertaking, the Corporation would have certainly considered the application positively for issuance of appointment order.

6. I have gone through the contents raised by the learned counsel for the petitioner, who vehemently submits that based on policy and circular the learned Industrial Court ought not to have entertained the complaint and ought to have dismissed it.

7. Having heard learned counsels for both the parties and after going through the written statement as well as the findings recorded by the learned Industrial Court, I find that the learned Industrial Court has taken a correct view.

The object behind seeking compassionate appointment is that when the bread earner loses the job and family needs immediate financial support, the policy is required to be followed to give an immediate relief to the legal heirs of an employee who died while in service.

8. In view of that object, considering the written statement and the policy which was already placed before the learned Industrial Court and the finding recorded by the Industrial Court that Ku. Manisha Alias Mudra Ajay Ambhore had also given no-objection by specifically stating before the learned Industrial Court that she is financially sound and she can maintain herself. I do not find any reason to interfere with the findings recorded by the Learned Industrial Court. In view of this object of granting compassionate appointment, there is no reason to interfere with the order passed by the learned Industrial Court. Accordingly, the present writ petition is **dismissed**. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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