

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 3127 of 2020**

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HARENDRASINH KISHORSINH MATROJA S/O KISHORSINH

CHHATRASINH MATROJA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

ANIL H PATEL(7832) for the Petitioner(s) No. 1

MR BHUVNESH GAHLOT(10286) for the Petitioner(s) No. 1

D C BHATT(7618) for the Respondent(s) No. 3

MS FORUM BIMAL SUKHADWALA, ASSISTANT GOVERNMENT PLEADER  
for the Respondent(s) No. 1, 2, 4

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**CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 02/02/2026**

**ORAL ORDER**

1. Rule returnable forthwith. Ms. Forum Bimal Sukhadwala, learned Assistant Government Pleader, waives service of notice of Rule on behalf of respondent Nos. 1, 2, and 4. Mr. D. C. Bhatt, learned Advocate, waives service of notice of Rule on behalf of respondent No. 3.
2. With the consent of the parties, the matter is taken up for hearing.

3. The present writ petition is filed under Articles 14, 16, 21, and 226 of the Constitution of India, seeking the following reliefs:

*“(A) Your Lordships may be pleased to admit this Writ petition.*

*(B) Your Lordship may be pleased to may be pleased to issue a writ of mandamus, a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondent authorities to regularize the appointment of the Petitioner who are appointed on ad-hoc basis on compassionate ground.*

*(C) Be pleased to pass such other/further orders deemed fit.”*

4. The father of the petitioner, namely Kishorsinh Chhatrasinh Matroja, was serving as a driver with respondent No. 3 and died in harness on 12th October, 2001, while on duty. At the relevant point in time, the petitioner who happens to be the son of the deceased employee was allowed to work as a daily wager with respondent No. 3. The compassionate appointment on the post of clerk was agreed to be given to the petitioner by respondent No. 3 vide its resolution dated 12th June, 2003.
5. It further appears that as per the said resolution, the case of the petitioner was forwarded to the State for its in-principle approval to appoint the petitioner as a clerk. Nonetheless, as per the affidavit of respondent No. 3 filed in this matter, his

appointment as an ad-hoc clerk was given w.e.f. 1st November, 2001.

6. Be that as it may, the respondent-State, vide its impugned communication dated 16th May, 2005, rejected the aforesaid proposal of respondent No. 3, mainly on the following two grounds:

- (i) The establishment cost of respondent No. 3 is much higher than the permissible limit.
- (ii) As per the Government Resolution dated 26th June, 2003, issued by the Urban Development and Urban Housing Department of the State, whereby no compassionate appointment should be offered.

7. It has come on record from the pleadings of the parties that the establishment cost of respondent No. 3 was not beyond the permissible limit. Apart from the said fact, as per the Government Resolution dated 10th March, 2000, the State has decided to give compassionate appointments to the dependent family of deceased employees who died during service, leaving the family in helpless condition without any means of livelihood. The copy of the aforesaid Government Resolution

is submitted by Mr. Bhuvnesh Gahlot, learned Advocate for the petitioner, which is taken on record.

8. After going through the said resolution, nowhere it has been stated that in a case where the establishment cost of particular State instrumentality is beyond the permissible limit, no compassionate appointment can be offered to dependent family members, as the case may be.
9. So far as the aforesaid subsequent resolution dated 26th June, 2003, is concerned, it can be seen that in the present case, the respondent No. 3-Municipality decided to offer compassionate appointment to the petitioner vide its resolution dated 12th June, 2003, which is prior to the said resolution of the State.
10. In view of the aforesaid, the grounds which are set out in the impugned communication dated 16th May, 2005, are unsustainable, inasmuch as, they are neither in consonance with the Government Resolution dated 10th March, 2000, nor the compassionate appointment was given to the petitioner prior to the subsequent resolution dated 26th June, 2003, of the State.
11. At last, it is also come on record that as on date also, there is a

post of clerk vacant in the respondent No. 3, and in that circumstance also, there is no reason available with the respondent-State not to accept the proposal of respondent No.3.

12. In view of the aforesaid, the impugned communication dated 16th May, 2005, is hereby quashed and set-aside.
13. In light of the aforesaid facts and circumstances and for the foregoing reasons, the present writ petition is partly allowed. Rule is made absolute to the aforesaid extent.
14. Accordingly, respondent No. 4-the Regional Commissioner of Nagarpalika, Surat Zone, is hereby directed to grant in-principle approval of the compassionate appointment of the petitioner, as has been done by respondent No. 3 vide its resolution dated 12th June, 2003. To pass an appropriate order by respondent No. 4, if any formal application/information is required, the same shall be supplied by respondent No. 3. Such exercise shall be completed by the respondents on or before 31st March, 2006.
15. It goes without saying that the petitioner has been working as an ad-hoc clerk w.e.f. 1st November, 2001 and as the resolution

of respondent No. 3 was passed on 12th June, 2003, while regularising the service of the petitioner, the effect of such regularisation will be given from the date of resolution, i.e., 12th June, 2003. All consequential benefits flowing from the order of regularisation shall be paid to the petitioner by respondent No. 3 on or before 30th May, 2026.

**(MAULIK J.SHELAT,J)**

NILESH

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: PARMAR NILESHKUMAR R(HCD0068), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 02/02/2026 14:45:42