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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11005 OF 2025

The State of Maharashtra Through its Principal Secretary Accounts & Treasury Department and Others PETITIONERS

VERSUS

Deelip Shivhar Karamunge RESPONDENT

.....

Mr. V. M. Kagne, AGP for the Petitioner - State
Mr. Vaibhav B. Dhage, Advocate for the Respondent

.....

[CORAM : NITIN B. SURYAWANSHI, &
ABASAHEB D. SHINDE, J. J.]

DATE : 7th OCTOBER, 2026

ORDER :

1. By this Petition, the Petitioner – State challenges order dated 14th October, 2024 passed by the Maharashtra Administrative Tribunal in Original Application No. 508 of 2024, thereby allowing the Original Application filed by the Respondent.

2. By filing the Original Application, the Respondent had sought quashing and setting aside communications dated 22nd December, 2021 and 15th December, 2021 issued by present Petitioners No.1 and 4. The Respondent had also sought

declaration that he is entitled for appointment on compassionate ground, in the place of his deceased father. A declaration was also sought that condition "B" of the Government Resolution dated 27th September, 2021 is not applicable to the case of the Respondent and he is entitled to be extended the benefit of the compassionate appointment scheme.

3. We have heard learned AGP for the Petitioners - State and the learned Advocate for the Respondent. Perused the grounds raised in the Writ Petition, annexures thereto and the impugned order.

4. Learned AGP assailed the impugned order, by relying on the promotion order issued to the deceased father of the Respondent, the heading of which reads that, "The Promotion order issued in respect of Government Servants working in Group "B" category". He, therefore, submits that father of the Respondent was working in Group "B" category and the scheme of Compassionate Appointment is applicable only group "C" and "D" category employees' heirs hence the same is not applicable to the case of the Petitioner.

5. Learned Advocate for the Respondent, on the other hand, supported the impugned judgment and order passed by the

Tribunal.

6. We called upon the learned AGP and the learned Advocate for the Respondent to point out the initial appointment order of the father of the Respondent. In response, learned Advocate for the Respondent has placed on record the copy. Order dated 22nd September, 2005 mentions that the employees, whose names are mentioned in the said order, are being temporarily posted on Group B non gazetted posts. Name of father of the Respondent appears at serial No.23 in the list given in the said order. At the bottom of the list of promoted employees, it is mentioned that, since the appointment on Group B non gazetted post is not a promotion in the direct line of promotion, therefore, the option of pay fixation is not available to the said employees. The promotion order issued in favour of father of the Respondent dated 26th October, 2005, clearly states that the Respondent's father, at the relevant time was working on the post of "Junior Clerk" and he, was transferred on Group B category non gazetted post at Kolhapur. He was relieved for joining on the new post on 31st October, 2005.

7. By order dated 27th June, 2018 next promotion was granted to Respondent's father. The said order also records that, the promotion is granted on purely temporary basis.

8. While allowing the Original Application, the Tribunal has rightly held that :

> *"11. In the facts of the present case and further considering the language used in the promotion order that the said would be subject to approval of Maharashtra Public Service Commission and outcome of the pending S.L.P. before the Hon'ble Supreme Court, it cannot be said that the father of the applicant was holding the Group 'B' post at the time of his death. In view of same there is no bar as such in terms of G.R. dated 21.09.2017 to appoint the applicant on compassionate ground. Thus the Original Application deserves to be allowed."*

9. In the light of the above, we find no merit in the challenge raised by the Petitioner – State to the order passed by the Tribunal. We find no illegality or perversity in the approach of the Tribunal in allowing the Original Application. The Tribunal has not committed any jurisdictional error or error of law while passing the impugned order. Hence, there is no merit in the Petition. The Writ Petition is, therefore, dismissed. Interim relief, if any, stands vacated.

[ABASAHEB D. SHINDE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE

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