

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 448 OF 2026

The Chief Officer
Rahuri Municipal Council,
Rahuri, District Ahmednagar.

..Petitioner

Versus

1. Chief Secretary
Ahmednagar District Nagarpalika
Kamgar Union, Trade Union Center,
Tahasil Kacheri Road, Ward No.1,
Po. Tq. Shrirampur, Dist Ahmednagar.

2. Meena Bharat Jagdhne,
Age : 45 years, Occu. Nil,
R/o. Indirapeth, Laxminagar,
Rahuri Budruk, Tq. Rahuri,
Dist. Ahmednagar.

3. Sachin Bharat Jagdhne,
Age : 25 years, Occu. Nil,
R/o. Indirapeth, Laxminagar,
Rahuri Budruk, Tq. Rahuri,
Dist. Ahmednagar.

..Respondents

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Mr. Ramesh Vitthal Naiknavare, Advocate for the Petitioner.
Mr. P. V. Barde, Advocate for Respondent No.3.

WITH
CIVIL APPLICATION NO. 3291 OF 2026

1. Meera Bharat Jagdhne,
Age : 45 years, Occ. Nil,

2. Sachin Bharat Jagdhne,
Age : 25 years, Occu. Nil,
Both R/o. Indirapeth, Laxminagar,
Rahuri Budruk, Tq. Rahuri,
Dist. Ahmednagar.

..Applicants

Versus

1. The Chief Officer
Rahuri Municipal Council,
Rahuri, District Ahmednagar.
2. Chief Secretary
Ahmednagar District Nagarpalika
Kamgar Union, Trade Union Center,
Tahasil Kacheri Road, Ward No.1,
Po. Tq. Shrirampur, Dist Ahmednagar. ..Respondents

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Mr. P. V. Barde, Advocate for the Applicants.
Mr. Ramesh Vitthal Naiknavare, Advocate for Petitioner in WP.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 17, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.
2. Present petition takes exception to order dated 07.10.2025 passed by Industrial Court, Ahmednagar in Complaint (ULP) No. 13 of 2019, whereby petitioner/municipal council is directed to appoint respondent/complainant no.3 on compassionate ground and send compliance report.
3. The respondents filed Complaint (ULP) No. 13 of 2019 before Industrial Court, Ahmednagar under section 28(1) read with Item Nos.5, 9 and 10 of Schedule-IV of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. It was contended that respondent no.2 is a widow and respondent no. 3 is son of late Bharat Jagdhne. He was serving as Class-IV employee in Health Department of petitioner/municipal council. On 15.04.2016,

he died. The respondents applied for appointment of respondent no.3 on compassionate ground. However, no consideration was given to such application. Eventually, respondents approached Industrial Court for reliefs claimed.

4. The petitioner/municipal council resisted complaint on the ground that as per government order, appointment on compassionate ground needs to be made as per waiting list. The name of complainant no.3 has to be included in waiting list. The complainant was issued letter dated 26.08.2021 for compliance of documents for sending proposal to appropriate authority. The Industrial Court after considering rival contentions and evidence adduced by parties observed that since 2016, petitioner/municipal council has filled in several vacancies and many posts are still vacant due to retirement or death of employees. No data is provided to show how many candidates are on waiting list for compassionate appointment. Eventually, Industrial Court passed impugned order.

5. Mr. R.V. Naiknavare, learned Advocate appearing for petitioner submits that name of respondent no.3 is already included in district waiting list since 2016. The Court cannot compel petitioner to grant compassionate appointment out of turn as it will cause serious prejudice to other wait listed candidates and also violate principles of fairness and equality. In support of his contention, he relies upon observations of Division Bench of this Court in case of

Dayanand Sharad Dicholkar vs State of Goa and others reported in ***2025 (2) Mh.L.J. 435.***

6. Per contra, Mr. P.V. Barde, learned Advocate appearing for respondent no.3 supports impugned order.

7. Having considered submissions advanced by learned advocates appearing for respective parties and after going through documents tendered into service and reasoning adopted by Industrial Court in impugned order, it is discernible that there is no dispute that petitioner's father, late Bharat Jagdhane was employed on establishment of Nagar Parishad. He died in harness. There is pending claim of respondent no.3 for appointment on compassionate ground. The name of respondent no.3 is nominated for such appointment and he has been enlisted in the waiting list since 2016.

8. The only contention raised on behalf of respondents is that Court cannot compel to appoint respondent no.3 out of turn. However, on perusal of record, it can be observed that witness of petitioner admitted that since 2016, many employees belonging to Class III and IV have been retired or expired, as such vacancies arose on establishment of municipal council. Nothing is brought on record to show number of waiting list candidates for compassionate appointment, who are senior to respondent no. 3. There is nothing to show that petitioner has appointed eligible candidates on

compassionate ground following seniority and respondent no. 3 is likely to be considered upon particular vacancy.

9. The Industrial Court has elaborately considered aforesaid aspects and refused defence of petitioner for want of necessary particulars. Although reliance is placed by petitioner on the observations of this court in case of *Dayanand Sharad Dicholkar (Supra)*, wherein importance of wait list is restated. In present case, in absence of data depicting senior wait list candidate above petitioner, directions given by Industrial Court cannot be faulted. No plausible reasons are given as to why application of respondent no. 3 was kept pending since 2016. This Court finds that respondents cannot frustrate object and purpose of compassionate appointment by keeping such application pending for years together.

10. In result, writ petition sans merit, hence dismissed.

11. Rule is discharged.

12. Civil Application No.3291 of 2026 stands disposed of.

(S.G. CHAPALGAONKAR, J.)