

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 449 OF 2026

The Chief Officer Rahuri Municipal Council

VERSUS

Chief Secretary Ahmednagar District Nagarpalika Kamgar Union And
Others

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Advocate for the Petitioner : Mr. Naiknavare Ramesh Vitthal

Advocate for Respondent Nos.2 & 3 : Mr. Barde Parag Vijay

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 23, 2026

PER COURT :-

1. Present petition takes exception to order dated 16.10.2025 passed by Industrial Court, Ahmednagar in Complaint (ULP) No.05/2019, whereby petitioner is directed to appoint respondent no.3 on compassionate ground within a period of three months from date of order. The petitioner is further directed to send compliance report of such appointment of respondent no.3 by end of January 2026.

2. The father of respondent no.3, Late Annasaheb Baburao Pawar was employed as driver with petitioner/municipal council. On 15.10.2013, he died in road accident. Respondent no.2, who is widow of deceased submitted her application for appointment of respondent no.3/son on compassionate ground. In the year 2016, name of respondent no.3 was included in district-wise waiting list of candidates in Class-III category. Despite of several representations

made by respondent, appointment was not given. Ultimately, Complaint (ULP) No.05/2019 was filed in Industrial Court at Ahmednagar seeking declaration of unfair labour practices against petitioner/municipal council under Item Nos.5, 9 and 10 of Schedule-IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ('MRTU & PULP Act' for short). The petitioner/municipal council filed written statement and opposed complaint. The Industrial Court recorded evidence of respective parties and finally passed impugned order.

3. Mr. Naiknavare, learned advocate appearing for petitioner/municipal council submits that district-wise seniority list is maintained for purpose of appointment on compassionate ground on establishment of municipal council. Unless waiting list is exhausted, there was no reason to appoint respondent no.3 on establishment of municipal council. In support of his submissions, he relies upon observations of this Court in case of *Dayanand Sharad Dicholkar Vs. State of Goa and Others* reported in *2025 (2) Mh.L.J. 435* and submits that claim of respondent seeking compassionate appointment cannot be considered outside terms of rules and regulations issued for said purpose.

4. Per contra, Mr. Barde, learned advocate appearing for respondent nos.2 and 3 invites attention of this Court to pleadings in written statement and submits that evasive reply was filed which sans

necessary details regarding preparation of waiting list and available vacancies.

5. Having considered submissions advanced by learned advocates appearing for respective counsels and reasons as recorded by Industrial Court in impugned order, it can be observed that there is no dispute that father of respondent no.3 was in service with municipal council and he died during course of such employment. The entitlement of respondent no.3 for appointment on compassionate ground is also not disputed by municipal council. Perusal of written statement would show that except evasive defence, there is no pleading as to how many posts are available on establishment of municipal council and how many persons are waiting for appointment on compassionate ground.

6. The Industrial Court in para 16 of judgment observed that since 2016, many posts are filled on establishment of municipal council and there are many vacancies in Class-III cadre on account of retirement or death of employees. The Industrial Court has rightly observed that petitioner has not brought on record any reason for not giving appointment to respondent no.3, although his name is included in list of candidates waiting for appointment since 2016.

7. Mr. Naiknavare endeavours to contend that name of respondent no.3 stands at Serial No.3 in waiting list as on 11.03.2024. However, there is nothing on record to show that said

list was brought before Industrial Court and proved in accordance with law. Perusal of written statement nowhere refers about any waiting list candidates above name of respondent no.3.

8. Mr. Naiknavare seeks to rely upon observations of this Court in case of ***Dayanand*** (supra). However, in that case, compassionate appointment was sought dehors seniority of waiting list candidates. There was clear evidence in that regard. In that contingency, this Court laid down that Court cannot compel respondents to deviate from established guidelines for compassionate appointments.

9. In present case, petitioner has not come with specific pleading. There is nothing on record to show that how many vacancies occurred after 2016 on account of death/retirement of employee in Class-III cadre. It is also not brought on record that how many persons have been appointed against such vacancies. Even there is nothing to show that any previous claim for compassionate appointment is pending. In aforesaid background, impugned order cannot be faulted. Hence, no case is made out to cause interference in impugned order under Article 227 of Constitution of India.

10. In result, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)