



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 4053 OF 2025

The Zilla Parishad Nanded Through Its Chief Executive Officer

VERSUS

Lalita Balaji Panchal And Another

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Advocate for the Petitioner : Ms. Yogita S.Thorat

Advocate for Respondents 1,2 : Mr. Uday V Khode

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 08, 2026

ORDER :-

1. Present writ petition takes exception to order dated 17.12.2024 passed below Exhibit-5 in complaint ULP No.130 of 2020 by Industrial Court, Jalna.

2. The respondents filed complaint ULP No.130 of 2020 under section 26 and 28 read with Item no.5,9 and 10 of Schedule No.4 of the MRTU and PULP Act against petitioner and also challenged appointment order issued in favour of respondent no.1. It was contention of petitioner that husband of respondent no.1. i.e. Balaji Panchal was employed on establishment of petitioner. He expired on 22.2.2012. On 12.8.2012 application was made by respondent no.1 for appointment on compassionate ground. Lateron, she filed an

application to appoint his son respondent no.2 on compassionate ground. However, vide impugned letter dated 16.12.2020 respondent no.1 was appointed. It was contention of respondent that petitioner never considered application for giving appointment to the respondent no.2.

3. Petitioner opposed the complaint contending that as per Government Resolution dated 20.5.2015 appointment can be given to one of the family member. Name of respondent no.1 was inserted in waiting list and there is no provision to replace the name included in waiting list by any other family member. The Industrial Court, after considering rival submissions allowed the complaint vide judgment and order dated 17.12.2024 and directed the petitioner to give employment to respondent no.2 on compassionate ground by substituting her name in waiting list.

4. Smt. Yogita Thorat, learned advocate appearing for the petitioner submits that petitioner is bound by the policy laid down under the Government Resolution. In terms of said policy, there is no provision to replace the name of first applicant/family member, who raised claim for appointment on compassionate ground. However, directions by Industrial

Court are contrary to the policy laid down by State Government. As such, impugned order is liable to be quashed and set aside.

5. Per contra, learned advocate appearing for respondents invited attention of this Court to the Full Bench judgment of this Court in case of **Kalpana wd/o. Vilas Taram Vs State of Maharashtra** reported in **2024 (4) Mh.L.J. 312** to contend that a policy relating to compassionate appointment does not prohibit substitution of name of another family member, who has applied on account of either crossing the age of member of 45 years or for some other reason.

6. In light fo the aforesaid exposition of law by Full Bench of this Court, contention raised on behalf of petitioner-Zilla Parishad does not hold water. The Industrial Court has rightly considered rival contentions and legal position as discernible from Full Bench Judgment of this Court, which holds the field as on today.

7. In that view of matter, there is no merit in writ petition. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)