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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10916 OF 2025

Ramdas Rughaji Kandare
Age 61 years, Occu.: Retired,
R/o. Soygaon, Tq. Soygaon,
District Aurangabad.

... Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Director,
Directorate of Municipal
Administration, Mumbai.
3. The Chief Executive Officer,
Nagar Panchayat, Soygaon,
District Aurangabad.

... Respondents

.....
Mr. Rahul R. Awhad, Advocate h/f Mr. N.L. Chaudhari, Advocate for
Petitioner

Mr. Abhijit M. Phule, AGP for Respondent No.1 – State

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATED : 17 DECEMBER, 2025

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final disposal at the stage of admission.

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2. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks directions to respondent No. 2 and 3 to declare him as surplus upon conversion of Gram Panchayat, Soygaon into Nagar Panchayat, Soygaon, and to grant him permanency, pensionary benefits and all other consequential service benefits. A further direction is sought to Respondent No. 3 to appoint one of the petitioner's legal heirs on compassionate grounds in the establishment of Nagar Panchayat, Soygaon in terms of the Lad-Page committee report.

3. The facts, in brief, are not in serious dispute. The petitioner was appointed as a sweeper in Gram Panchayat, Soygaon on 31.03.1980 and claims to have been made permanent during his tenure with the Gram Panchayat. In the year 2015, Gram Panchayat, Soygaon was converted into Nagar Panchayat, Soygaon. Certain correspondence ensued between the Block Development Officer, respondent No. 3, and Respondent No. 2, whereby a list of employees working with the Gram Panchayat was forwarded. It is the petitioner's case that he continued to discharge duties even after conversion and that his name was included in the list forwarded to the authorities. However, he was never formally absorbed in the services of Nagar Panchayat, Soygaon. In February 2023, shortly before his retirement on attaining the age of

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superannuation on 16.12.2023, the petitioner submitted documents seeking absorption. Though a proposal was forwarded by respondent No. 3, no final decision was taken. After retirement, the petitioner sought compassionate appointment for his legal heirs, which came to be rejected by orders dated 11.01.2024 and 15.01.2024 on the ground that the petitioner was never absorbed as a permanent employee and that the post of sweeper was not a sanctioned post in Nagar Panchayat, Soygaon. Aggrieved thereby, the present petition has been filed.

4. The learned advocate for the petitioner contended that the petitioner was a permanent employee of the Gram Panchayat since 1980, that he continued in service even after conversion into Nagar Panchayat, and that denial of absorption, when other similarly situated employees were absorbed, is arbitrary, discriminatory and violative of principles of natural justice. It was further urged that the Lad-Page committee report specifically protect the service conditions of employees of Gram Panchayat on conversion and also provides for compassionate appointment to their legal heirs.

5. Per contra, the Learned AGP submitted that though the petitioner may have been working with the Gram Panchayat, he was never absorbed as a permanent employee of Nagar Panchayat. The post of sweeper itself was not a sanctioned or approved post in the Nagar

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Panchayat establishment. In the absence of a sanctioned post and formal absorption, no direction for declaration as surplus or grant of permanency can be issued. It was further submitted that the Lad-Page committee recommendations apply only to permanent employees holding sanctioned posts, and therefore, cannot be invoked either by the petitioner or by his legal heirs.

6. We have considered the rival submissions and perused the material placed on record. It is not in dispute that the petitioner was initially appointed in Gram Panchayat, Soygaon and that his name was forwarded along with other employees at the time of conversion. However, mere forwarding of a name or continuation of work by itself does not confer a legal right to absorption or permanency in the Nagar Panchayat. There is no document on record to show that the post of sweeper was ever sanctioned or approved in the establishment of Nagar Panchayat, Soygaon. Nor is there any order evidencing that the petitioner was granted permanency by the competent authority after conversion. In the absence of a sanctioned post and a formal order of absorption, this Court, in exercise of its writ jurisdiction, cannot direct the respondents to create a post or to regularize or absorb an employee contrary to statutory rules and administrative approvals.

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7. At this stage, it is necessary to examine the Lad-Page committee report which has been strongly relied upon by the petitioner. The Lad-Page committee was constituted by the State Government to examine the service conditions of employees of Zilla Parishad, Panchayat Samitis and Gram Panchayats, particularly in the context of restructuring, conversion and reorganization of local bodies. The recommendations, as accepted by the State, broadly provide that employees holding sanctioned posts and drawing regular pay scales, who are permanent or deemed permanent in the Gram Panchayat, should be protected and suitably adjusted or absorbed upon conversion into a Nagar Panchayat, subject to availability of sanctioned posts and fulfillment of eligibility conditions. The report also contemplates compassionate appointment to legal heirs, but such benefits are expressly confined to the families of permanent employees holding sanctioned posts and governed by the applicable service rules.

8. On careful reading of the Lad-Page committee recommendations, it is evident that the same do not create an automatic and blanket right of absorption or compassionate appointment. The foundational requirement is that the employee must be holding a sanctioned post and must have acquired the status of a permanent employee in accordance with law. In the present case, even

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assuming that the petitioner was permanent in the Gram Panchayat, there is no material to demonstrate that the post of sweeper was sanctioned in the Nagar Panchayat or that the petitioner was ever absorbed or regularized therein. Consequently, the preconditions for applicability of Lad-page committee report are not satisfied. Once it is held that the petitioner himself was not a permanent employee of the Nagar Panchayat, Soygaon, holding a sanctioned post, the claim for compassionate appointment of his legal heir must necessarily fail. Compassionate appointment is an exception to the general rule of recruitment and can be granted only in strict conformity with the governing policy. The Lad-Page committee recommendations do not extend such benefits to legal heirs or persons who were never absorbed as permanent employees in the Nagar Panchayat establishment.

9. We also find substance in the submissions of the respondents that the petitioner approached these authorities for absorption only in the year 2023, several years after conversion in 2015 and just a few months prior to his retirement. Such belated assertion of rights in the absence of supporting statutory or administrative orders further weakens the petitioner's case.

10. In view of the aforesaid discussion, we are of the considered opinion that no case is made out for issuance of writ or directions as

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prayed for. The respondents cannot be compelled to declare the petitioner as surplus or to absorb him as a permanent employee against a post which is admittedly not sanctioned. Similarly, the claim for compassionate appointment of the petitioner's legal heirs is not sustainable in law.

11. Accordingly, the writ petition stands dismissed. Rule discharged. There shall be no order as to cost.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane