IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2100 OF 2022

1. Devendra S/o Balu Sonawane
   Age 24 years, Occ. Nil,
   R/o Bamnod, Tq. Yawal,
   District : Jalgaon

2. Sangita Balu Sonawane,
   Age : 50 years, Occu : Household,
   R/o Bamnod, Tq. Yawal, Dist. Jalgaon ...Petitioners

VERSUS

1. The State of Maharashtra

2. The Divisional Controller,
   Maharashtra State Transport,
   Jalgaon, District Jalgaon.

3. The Depot Manager,
   Maharashtra State Transport
   Yawal, Tq. Yawal,
   District : Jalgaon ...Respondents

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Mr. Gajanan M. Tirthkar h/f. Mr. Amol Sudam Mali, Advocate for the Petitioner.
Mr. S. S. Dande, AGP for Respondent No.1-State
Mr. Anilkumar B. Dhongade, Advocate for Respondent No.2 & 3

...

CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

RESERVED ON : 16.06.2026

PRONOUNCED ON : 06.07.2026

ORDER :-

1. Heard.

2. Rule. Rule is made returnable forthwith. With the consent of the parties the writ petition is heard finally at the stage of admission.

3. By this petition, the Petitioners have put forth the following main reliefs :-

> *"C. The order dated 22.07.2021 passed by respondent no.2 may kindly be quashed and set aside by issue of writ of certiorari or any other appropriate writ, order or directions.*
>
> *D. The respondent No.2 may kindly be directed to pay the petitioner amount of Rs. 50 Lakhs as per circular dated 15.09.2020 by issue of writ of mandamus or any other appropriate writ, order or directions.*
>
> *DD. The order dated 24.06.2021 passed by the respondent No.2 thereby rejecting the claim of petitioners for ex-gratia compensation due to Covid death of Rs. 50 Lakhs may kindly be quashed and set aside by the issue of Writ of certiorari or any other appropriate writ, order or direction."*

4. Facts shorn of unnecessary details are as follows :-

i. The Petitioners' father, namely, Balu Eknath Sonawane, was working as a Conductor with Respondent Nos. 2 and 3. He was appointed from Scheduled Tribe category. On 15.06.1995 he was given permanency. It is further contended by the Petitioners that while Petitioners' father was performing his duty during Covid- 19 pandemic, he died on 24.03.2021. Petitioner No.1, therefore, requested Respondent Nos.2 and 3 to pay ex-gratia amount of Rs.50,00,000/- pursuant to the

Government Resolution dated 15.09.2020. Petitioner No.1 was called upon to produce documents to show that his father died due to Covid-19, along with other documents relating to his father's service. Accordingly, Petitioner No.1 on 05.04.2021, submitted all the requisite documents.

ii. Petitioner No.1 on 27.04.2021 also made an application to Respondent Nos.2 and 3 requesting them to appoint Petitioner No.1 on compassionate ground. By an order dated 24.06.2021, Respondent Nos.2 and 3 relying on Circular No.13 of 2020, declined to grant ex-gratia amount of Rs. 50,00,000/- as per Government Resolution dated 15.09.2020 on the ground that the Petitioners' father was not engaged in duties involving direct interaction with the general public or with employees who were going in direct contact with general public. Likewise, Respondent Nos.2 and 3, by an order dated 22.07.2021 also rejected the application of Petitioner No.1 seeking appointment on compassionate ground, stating that due to non-submission of a validity certificate, the services of Petitioners' father were brought on supernumerary posts on 13.03.2021. Therefore, not only

Petitioners' father was disentitled for receiving any service benefits, but Petitioner No.1 is also not entitle to seek appointment on compassionate ground. The Petitioners therefore have approached this Court.

5. Learned Advocate for the Petitioner submits that, so far as rejection of application seeking appointment on compassionate ground though, Respondent Nos.2 and 3 contends that the services of the Petitioners' father were brought on supernumerary post on 13.03.2021, however, said order was never served on Petitioners' father at any point of time during his lifetime. He, therefore, submits that denying compassionate appointment to Petitioner No.1 on this ground is unsustainable.

6. He would further submit that so far as rejection of prayer for grant of ex-gratia amount is concerned, the petitioner's father was discharging the duty which was akin to those performed by the employees having direct interaction with the general public, thereby exposing him to an equal degree of risk. Since the Petitioner's father was working as a Conductor, he was regularly coming into contact with general public who were travelling on the bus. He, therefore, submits that Respondent

Nos.2 and 3 have committed an error thereby denying ex-gratia amount to the Petitioners.

7. Per contra, learned Advocate appearing for Respondent Nos.2 and 3 would support the impugned orders thereby contending that father of the Petitioners was appointed from reserved category, for failure on his part to submit the validity certificate his services were brought on supernumerary post on 13.03.2021 and therefore as per the policy, the Petitioners are not entitled for seeking appointment on compassionate ground. As regards grant of ex-gratia amount learned Counsel for Respondent Nos.2 and 3 would submit that the case of Petitioners' father does not fall within the category of employees contemplated under Circular No.13 of 2020, therefore the Petitioners are not entitled to receive ex-gratia amount as per Government Resolution dated 15.09.2020.

8. Having heard learned Advocate for the Petitioners and learned Advocate appearing for Respondent Nos.2 and 3, we find that the case of the Petitioners as regards grant of ex-gratia amount is concerned, the same is squarely covered by the judgment rendered by Co-ordinate Bench of this Court in the case of ***Sangita Suryakant Rautrao Vs. The State of Maharashtra***

and Ors. dated 02.04.2026 (Writ Petition No.9389 of 2022), more particularly paragraph No.15 of the said judgment, which reads thus :-

> *"15. In view of this, it is relevant to note the observations of the Division Bench of this Court at Principal Seat (Coram: M.S. Karnik and S.M. Modak, JJ) in the case of Smt. Sunita Bapu Jagtap Vs. The Chairman, Maharashtra State Road Transport Corporation Ltd., and others in Writ Petition No.5699/2024 dated 24.02.2026, wherein in paragraph nos.9 and 10, it is observed thus :-*
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> > *9. There is no dispute that the deceased died due to COVID. We are inclined to take a view that the husband of the petitioner was involved in supervising the traffic at Wadala depot and as such, will fall within the parameters of the Circular dated 1st June 2020 and as extended vide Circular dated 30th September 2021. Even if the deceased was deputed to control the traffic, it does not mean that he was supposed to do the work by sitting in the Office. In discharge of his duty, the deceased was supposed to interact and came in contact with the drivers and conductors who were actually involved in driving the buses thereby exposing him to the same risk as the drivers and conductors. Considering the facts and circumstances, we are inclined to take a view so as to grant relief to the petitioner.*
> >
> > *10. We are constrained to hold that the respondent Nos. 1 to 3 have taken a narrow view of the Circular. The respondent Nos. 1 to 3 have forgotten the precarious situation prevailing during COVID period when no one was ready to go out of house for discharging their duties. The Court can take a judicial notice that the life of general public came to a standstill and the public services including transport were kept open for limited services. It was part of duty of the husband of the petitioner to attend the job which he has done at the risk of his life."*

9. Similarly, for refusing the request of the Petitioner No.1 for compassionate appointment Respondent Nos.2 and 3 have relied on the order dated 13.03.2021, by which the services of

the Petitioners' father were brought on supernumerary post, however, record depicts that the said order was neither communicated nor served on the deceased father of the Petitioners, during his lifetime.

10. On the contrary, learned Advocate for Respondent Nos.2 and 3 admits that the said order was not communicated to deceased father of the Petitioners but the same was communicated to the concerned Depot Manager, where the Petitioners' father was working. We thus find that the order thereby bringing the services of Petitioners' father on supernumerary post, in our considered view was never served on Petitioners' father and therefore the said ground is unsustainable.

11. For the aforesaid reasons, we are inclined to allow the Writ Petition, hence the following order :-

:: ORDER ::

i. The Writ Petition is allowed.

ii. The impugned communication dated 24.06.2021 and 22.07.2021 issued by Respondent Nos.2 and 3 thereby refusing to grant benefits of ex-gratia amount as well as

request of the Petitioners seeking compassionate appointment are hereby quashed and set aside

iii. Respondent Nos.2 and 3 are directed to pay compensation of Rs.50,00,000/- to the Petitioner within a period of eight (8) weeks from the date of communication of this order.

iv. For failure on the part of Respondent Nos.2 and 3 in paying the said amount within the stipulated period, Respondent Nos.2 and 3 are directed to pay interest at the rate of 6% per annum till the realization of the amount.

v. Respondent Nos.2 and 3 are directed to consider the application of the Petitioner No.1 seeking appointment on compassionate ground in accordance with the prevailing policy and rules, on its own merits within a period of twelve (12) weeks from the date of uploading of this order.

Vi. Rule is thus made absolute in above terms.

(ABASAHEB D. SHINDE, J.) (N. B. SURYAWANSHI, J.)

Narwade