

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 214 OF 2017
(Subject – Compassionate Appointment)**

DISTRICT : AURANGABAD

Shri Chetan s/o Vinayakrao Kangarkar,)
Age : 19 years, Occu. : education,)
r/o. Savtanagar, Vaijapur,)
Tq. Vaijapur, Dist. Aurangabad.) .. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through Secretary Irrigation,)
Department, Mantralaya, Mumbai.)
- 2) **The Collector Aurangabad,**)
At Aurangabad.)
- 3) **The Supt. Engineer,**)
Minor Irrigation (local sector))
Division, Aurangabad.)
- 4) **The Executive Engineer,**)
Minor Irrigation (local sector))
Post Box No. – 515, Aurangabad,)
Tq. & Dist. Aurangabad.).. **RESPONDENTS**

APPEARANCE : Shri N.P. Bangar, Advocate for the Applicant.

: Shri N.U. Yadav, Presenting Officer for
Respondents.

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 12.10.2018.

O R A L - O R D E R

1. Heard Shri N.P. Bangar, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for respondents.

2. By the present Original Application, the applicant is claiming following relief :-

“B. The respondent No. 3 may kindly be directed to place the name of applicant herein, in the wait list of candidates for appointment on compassionate ground by quashing the decision dated 03.10.2017 taken by respondent authorities. It is further prayed that he may kindly be accommodated in the government employment by expediting the procedure.

C. That, the respondents may further be directed to comply the guidelines issued by state under the scheme of compassionate appointment, by issuing appointments on waitlist candidates as per quota fixed by state in total vacancy.”

3. The record would show that the applicant has earlier filed O.A. No. 607/2015 for considering his case for the appointment on compassionate ground after his mother become 40 years of age and therefore, her name was struck down by the concerned respondent from the waiting list being age barred for the appointment on compassionate ground in place of her deceased husband Shri Vinayakrao Kangarkar. Deceased Shri Vinayakrao Kangarkar, was working as a Driver in the office of respondent No. 4. This Tribunal vide the said decision dated

07.09.2016 (Annexure A-6, page no. 30) observed that the concerned respondent will have to decide the case of the present applicant on merit for putting him on the wait list and not on other grounds like that the widow was getting family pension etc. In the circumstances, the respondents considered the case of the applicant and again rejected his claim for inclusion of his name in the waiting list principally on the line of the Government Resolutions dated 22.08.2008 and 23.04.2008 as quoted in the decision as well as in the communication dated 03.01.2017 (page no. 39).

4. Learned Advocate for the applicant relies on the judgment in **W.P. No. 7793/2009** in the case of **Vinodkumar Khiru Chava Vs. State of Maharashtra and Ors.** dated 09.12.2009 and also the decision of this Tribunal in **O.A. No. 239/2016** dated 21.10.2016. Copy of the same is filed on record and marked as document 'X' for the purposes of identification. In paragraph No. 5 of the said judgment, a reference is made of the entitle judgment of the Hon'ble High Court, which is as under :-

"5. The Hon'ble Bombay High Court in Vinod Kumar Case (Supra), in more or less identical circumstances gave the directions to consider the case of the son for

compassionate appointment. That was a matter where the mother became age barred because till then her claim was not considered presumably because of what can be called official delay.”

5. For the similar reasons, the present Original Application is allowed and disposed of. The impugned decision of the respondent dated 03.01.2017 is hereby quashed and set aside.

6. The respondents are directed to enlist the name of the present applicant in the waiting list and to consider his case for appointment on compassionate ground and put his name in the waiting list from the date of filing of the application for appointment on compassionate ground.

There shall be no order as to costs.

PLACE : AURANGABAD.

DATE : 12.10.2018.

KPB S.B. O.A. No. 214 of 2017 mtj 2018 dies

VICE CHAIRMAN