

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI**  
**BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 334 OF 2019**

DIST. : LATUR

- |    |                                    |     |                   |
|----|------------------------------------|-----|-------------------|
| 1. | Goroba s/o Ram Aaradwad,           | )   |                   |
|    | Age. 60 years, Occ. Service,       | )   |                   |
|    | R/o Babhulgaon, Tq. & Dist. Latur. | )   |                   |
| 2. | Vishnu s/o Goroba Aaradwad,        | )   |                   |
|    | Age. 38 years, Occ. Unemployed,    | )   |                   |
|    | R/o Babhulgaon, Tq. & Dist. Latur. | )-- | <b>APPLICANTS</b> |

**V E R S U S**

- |     |                                 |    |                    |
|-----|---------------------------------|----|--------------------|
| (1) | The State of Maharashtra,       | )  |                    |
|     | Through its Secretary,          | )  |                    |
|     | Ministry of Social Justice and  | )  |                    |
|     | Special Assistant Department,   | )  |                    |
|     | Mantralaya, Mumbai – 32.        | )  |                    |
| (2) | The Dy. Commissioner,           | )  |                    |
|     | Woman & Child Development,      | )  |                    |
|     | Aurangabad.                     | )  |                    |
| (3) | Rector,                         | )  |                    |
|     | Government Boys Children Home,  | )  |                    |
|     | Latur, Dist. Latur.             | )  |                    |
| (4) | The Superintendent,             | )  |                    |
|     | Government Boys, Children Home, | )  |                    |
|     | Latur, Dist. Latur.             | )- | <b>RESPONDENTS</b> |

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**APPEARANCE** :- Shri B.B. Shinde, learned Advocate for the applicants.

: Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

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**CORAM** : **Hon'ble Shri V.D. Dongre, Member (J)**  
**DATE** : **03.09.2021**  
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**ORDER**

1. This Original Application is filed U/s 19 of the Administrative Tribunals Act, 1985 for seeking appointment to the applicant no. 2 - Vishnu s/o Goroba Aaradwad - on compassionate ground on the place of the applicant no. 1 - Goroba s/o Ram Aaradwad, who has sought voluntary retirement from the Government service.

2. The applicant no. 1 joined the services as Sweeper with the Government Children Home for Boys at Latur on 1.12.1982. The respondent no. 3 is the Rector, Government Children Home for Boys, Latur and the respondent no. 4 is the Superintendent of the said Government Children Home for Boys at Latur. The applicant no. 1 rendered his unblemished service for about 35 years. Due to his health issue, the applicant no. 1 desired to take voluntary retirement. Therefore, on 30.12.2017 he sent a letter (Exhibit - E page 29 of the paper book) to the respondent no. 2 i.e. the Deputy Commissioner, Woman & Child Development, Aurangabad informing his desire to take voluntary retirement and requesting for appointment of the applicant no. 2, who is his son, in his place

on compassionate ground as envisaged in Lad-Page Committee Report. Subsequently he also addressed a letter dated 1.1.2018 (Exhibit-F page 30 of paper book) to the respondent no. 4 i.e. the Superintendent of Government Children Home for Boys at Latur making similar demand. The respondent no. 3 i.e. the Rector, Government Children Home for Boys, Latur forwarded the proposal dated 5.1.2018 (Exhibit – G page 31 of paper book) to the District Women and Child Development Officer at Latur for necessary action. However, the applications made by the applicant no. 1 were not considered. Therefore, the applicant no. 1 again wrote a letter dated 31.3.2018 (Exhibit – H page 32 of paper book) to the respondent no. 2 i.e. the Deputy Commissioner, Women & Child Development, Aurangabad seeking voluntary retirement and compassionate appointment to his son i.e. the applicant no. 2 on his place.

3. However, there was no response from the side of the respondents to his letters. The applicant, therefore, filed writ petition No. 4386/2018 before the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad. After filing of the said writ petition, the respondent no. 2 without hearing the applicant no. 1 issued the order dated 30.5.2018 (Exhibit – I page 33 of paper book) and accepted the voluntary retirement sought

by the applicant no. 1 with effect from 2.4.2018 (After Noon). However, by the said order the appointment on compassionate ground to the applicant no. 2 was refused stating that as per the clause no. 03 of the G.R. dated 11.3.2016 the compassionate appointment can be given only to the legal representative or close relative of the Government servant who retired voluntarily on medical ground, who belong to reservation category of Scheduled Caste only. Apart from that, such persons from the category of Walmiki or Mehetar community are also entitled for appointment on compassionate ground. The applicants do not belong to any of these categories and therefore appointment on compassionate ground was refused.

4. Subsequently by the order dated 7.6.2018 (Exhibit J page 35 of paper book), the applicant no. 1 was relieved from the service with retrospective effect w.e.f. 2.4.2018.

5. It is further submitted that, in fact, the respondent no. 1 by the G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book) has resolved to continue the benefits as recommendations provided by the Lad-Page Committee and also resolved to continue the benefits of earlier G.R. dated 26.2.2014 (Exhibit - B page 18 of paper book). The relevant clauses 2 & 4 of the said G.R. were squarely applicable to the case of the applicant, but the same are not

considered and the claim for compassionate appointment of the son of the applicant no. 1, who is applicant no. 2 in the present O.A., is rejected in view of clause 3, which is applicable to the S.C. category employees. It is further submitted that for the persons falling under similar circumstances as that of the applicant, the other Government / Semi Government authorities namely Latur Municipal Corporation and Pimpri Chinchwad Municipal Corporation have appointed the persons on compassionate ground, who are not belonging to Scheduled Caste. The information gathered by the applicant no. 1 under R.T.I. Act is placed on record at Exhibits – K, L & M. In view of the same the applicant no. 1 is assailing the rejection of his claim for appointment for his son i.e. applicant no. 2 on compassionate ground, vide order dated 30.5.2018 (Exhibit – I page 33 of paper book) and seeks appointment on compassionate ground for his son i.e. the applicant no. 2.

6. Affidavit in reply on behalf of respondent nos. 2 & 3 is filed by one Shri Raman Randhir Telgote, Superintendent, Government Children Home, Latur, Dist. Latur. It is not in dispute that the applicant no. 1 was working as a Sweeper in Government Children Home, Latur since 1.12.1982 and his voluntary retirement was granted w.e.f. 2.4.2018 vide order dated 30.5.2018. However, by

the said communication, the appointment of the applicant no. 2 sought on compassionate ground was refused as the applicant nos. 1 & 2 are not belonging to S.C. category as contemplated in clause no. 03 of the G.R. dated 11.3.2016. It is stated that the said G.R. dated 11.3.2016 is applicable to the persons, who belong to S.C. category i.e. from Valmiki or Mehetar caste / community. In view of the same, the contentions raised in the O.A. in that regard are devoid of merits, and therefore, the O.A. is liable to be dismissed.

7. I have heard the arguments advanced by Shri B.B. Shinde, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents, at length.

8. It is not disputed that the applicant no. 1 is the father of the applicant no. 2. The applicant no. 1 entered the service of the Government as a Sweeper in Government Children Home, Latur on 1.12.1982. He worked with the Government Children Home, Latur till issuance of communications dated 30.5.2018 (Exhibit – I page 33 of paper book) and 7.6.2018 (Exhibit – J page 35 of paper book), whereby his request for voluntary retirement was granted w.e.f. 2.4.2018.

9. It is the case of the applicant that pursuant to the report of the Lad-Page Committee and its continuation by way of Government Notifications dated 21.10.2011 (Exhibit – A page 14 of paper book) & dated 26.2.2014 (Exhibit – B page 18 of paper book) and the G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book), the applicant no. 1 by his applications dated 30.12.2017 (Exhibit – E page 29 of paper book) and 1.1.2018 (Exhibit – F page 30 of paper book) sought voluntary retirement from the post of Sweeper and thereby he also requested compassionate appointment in his place to the applicant no. 2, who is his son. The voluntary retirement of the applicant no. 1 was accepted by the respondent no. 2 i.e. the Deputy Commissioner, Woman & Child Development, Aurangabad as per the communication dated 30.5.2018 (Exhibit – I page 33 of paper book) and by the respondent no. 4 i.e. the Superintendent, Government Boys Children Home, Latur vide the communication dated 7.6.2018 (Exhibit - J page 35 of paper book). However, by the said communication dated 30.5.2018 (Exhibit – I page 33 of paper book) the claim of compassionate appointment for the applicant no. 2 in place of the applicant no. 1 upon acceptance of his voluntary retirement was rejected stating that the applicant no. 2 belongs to O.B.C. category and the scheme of Lad-Page Committee as envisaged in G.R. dated 11.3.2016 (Exhibit – C page 22 of

paper book) and more particularly clauses (1) & (3), it is applicable to the eligible persons belonging to the reservation category of Scheduled Caste and also to the such persons from the category of Walmiki or Mehatar community.

10. Considering the rival facts on record, I have to analyse the facts of the present case in the background of original Lad-Page scheme, which deals with appointment on compassionate ground and continuation of said scheme by the Government by issuing Notifications dated 21.10.2011 (Exhibit–page 14 of paper book), 26.2.2014 (Exhibit – B page 18 of paper book) and G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book). Above said Notifications and G.R. were issued by the respondent no. 1. Perusal of first two notifications would show that the scope of beneficiaries for appointment on compassionate ground is, in fact, extended and broadened and hurdles faced in appointing such persons are sought to be removed. In the background of above said Notifications, if G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book) is considered, the benefits are summarized in clause (03) of the said G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book), which reads as under :-

*“३. लाड समितीच्या शिफारशी नुसार सफाई कामगारांच्या वारसांना शासकीय / निमशासकीय सेवेत घेण्यात येणा-या नियुक्ती संदर्भात पुनर्विचार करून संदर्भीय दिनांक १०.११.२०१५ रोजीचा शासननिर्णय रद्द करून सुधारीत निर्णय खालीलप्रमाणे घेण्यात येत आहे :-*

१) वाल्मिकी, मेहंतर समाजाला सामाजिक, आर्थिक संरक्षण देण्यासाठी सफाई कामगारांच्या नियुक्तीबाबत लाड समितीने शिफारस केलेली वारसा पध्दत पुढे चालू ठेवण्यात यावी.

२) लाड समितीच्या शिफारशी जरी ४० वर्षापूर्वी लागू केल्या असल्या तरी सद्यःस्थितीत सदर शिफारशी चालू ठेवणे आवश्यक आहे. त्यानुसार शासन परिपत्रक, सामाजिक न्याय व विशेष सहाय्य विभाग क्र. सफाई २०१४/प्र.क्र.०७/महामंडळे दि. २६ फेब्रुवारी २०१४ अन्वये घेण्यात आलेली भूमिका कायम ठेवण्यात यावी.

३) सफाई कर्मचारी म्हणून सेवानिवृत्त झालेल्या किंवा होणा-या अथवा स्वेच्छानिवृत्ती घेणा-या किंवा सेवेत असतांना निधन पावलेल्या अनुसूचित जातीमधील इतर सफाई कर्मचा-यांच्या वारस किंवा नातेवाईक यांस सदर योजनेचा लाभ देण्यात यावा.”

11. In my considered opinion, in order to understand the real purport of the G.R. dated 11.3.2016, the clauses thereof are to be read conjointly and harmoniously. Clauses (01) and (02) thereof lay down that the scheme for compassionate appointment propagated by the Lad-Page Committee is to be extended further confirming the earlier Notification dated 26.2.2014 (Exhibit – B page 18 of paper book). The Notification dated 26.2.2014 speaks of appointment on compassionate ground to the legal representatives or closed relative irrespective of the Caste / Religion. Clauses (01) and (03) which speak about extending of said benefits to the persons belonging to Walmiki or Mehetar community and S.C. category do not take away the rights of persons belonging to other Religion or caste, whose rights are recognized by earlier Notifications dated 21.10.2011 (Exhibit – A page 14 of paper book) and 26.2.2014 (Exhibit – B page 18 of

paper book). As per the clause (04) of the G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book) the said benefits or said scheme is made applicable to the legal representatives of Sweeper working in all the Departments.

12. The applicant has produced on record the documents obtained by him under R.T.I. Act, which are at Exhibits – K, L & M of paper book. The said information is obtained by him from Municipal Corporations at Latur & Pimprichinchwad respectively. Those documents show that the legal representatives of the Sweepers from the community other than Walmiki or Mehetar community and S.C. category are given appointment on compassionate ground by the said Municipal Corporations. In view of the same, in my considered opinion, the rejection of the claim of the applicant no. 2 by the order dated 30.5.2018 (Exhibit – I page 33 of paper book) issued by the respondent no. 2 in view of clause no. (03) of G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book) is arbitrary and contrary to the scheme as envisaged in Notifications dated 21.10.2011 (Exhibit – A page 14 of paper book) and 26.2.2014 (Exhibit – B page 18 of paper book) and G.R. dated 11.3.2016 (Exhibit – C page 22 of paper book). Therefore, I hold that the applicant no. 2 is entitled for appointment on compassionate ground in place of the applicant no. 1, who has

taken voluntary retirement from the post of Sweeper. Hence, I proceed to pass the following order :-

**ORDER**

- (i) Original Application no. 334/2019 stands allowed.
- (ii) Respondent nos. 1 & 2 are directed to appoint the applicant no. 2 – Shri Vishnu s/o Goroba Aaradwad – on compassionate ground within the period of 03 months from the date of this order on the place of the applicant no. 1 i.e. Shri Goroba s/o Ram Aaradwad, whose voluntary retirement is accepted by the respondent nos. 1 & 2 vide letters dated 30.5.2018 (Exhibit – I page 33 of paper book) and 7.6.2018 (Exhibit - J page 35 of paper book).

There shall be no order as to costs.

**(V.D. DONGRE)**  
**MEMBER (J)**

**Place : Aurangabad**  
**Date : 03.09.2021**