

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 931 OF 2017
(Subject – Appointment on Compassionate Ground)**

DISTRICT : BEED

Shri Dhananjay S/o Rama Kauthale,)
Age : 30 years, Occu. : Nil,)
R/o. Sant Namdeo Nagar, Near Mohatadevi)
Temple, Opp. Kore Niwas, Beed.) .. **APPLICANT**

V E R S U S

1) **The State of Maharashtra,**)
Through : Secretary,)
Social & Justice Department,)
Mantralaya, Mumbai-32.)

2) **The Regional Dy. Commissioner,**)
Social Welfare Department,)
Latur.)

3) **The Assistant Commissioner,**)
Social Welfare Department,)
Osmanabad.)

4) **The Special District Social Welfare**)
Officer,)
Osmanabad.)

(Deleted as per order dated 08.03.2018)

5) **The District Collector,**)
Osmanabad.) .. **RESPONDENTS**

APPEARANCE : Shri Kakasaheb B. Jadhav, Advocate for the
Applicant.

: Smt. Sanjivani K. Deshmukh-Ghate,
Presenting Officer for Respondents.

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

DATE : 27.11.2018.

ORAL - ORDER

1. Heard Shri Kakasaheb B. Jadhav, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for respondents.

2. By the present Original Application, the applicant is seeking following reliefs :-

“9. B) To direct the respondents to include the name of the applicant in the waiting list prepared for appointment of candidates from the date of application on compassionate ground.

C) To quash and set aside the communication/letter dtd. 29.12.2016 issued by the respondent No. 3 thereby rejected the claim of the applicant for appointment on compassionate ground.

D) To direct the respondents to consider the claim of applicant for appointment on compassionate ground and appoint the applicant on compassionate ground in any Class-III post forthwith.”

3. Facts on record would show that the father of the applicant viz. Shri Rama Kauthale was working with the respondent No. 3 as Office Superintendent. He died on 03.01.2001 while in service. In the circumstances, on

22.04.2002 the mother of the applicant has applied for appointing her on compassionate ground. According to the applicant, she was not put in the waiting list, the respondent Nos. 1 to 3 vide paragraph No. 5 of their affidavit in reply has submitted that the name of the mother of the applicant was included in the waiting list, but she did not possess requisite educational qualification, the claim of the mother of the applicant was rejected. Thus in effect the mother of the applicant was never considered for selection on compassionate ground. In the circumstances, the applicant has filed applications for appointment on compassionate ground vide applications dated 17.11.2005 & 22.11.2005 (Annexure A-3 collectively). The respondents have rejected the claim of the applicant vide decision dated 29.12.2016 (Annexure A-5, page no. 30). The concerned respondent reasoned that as the name of the mother of the applicant was put in the waiting list and she has crossed the 45 years of age, in view of the relevant G.R. as recorded in the decision, her name cannot be substituted. It is however to be noted that according to the respondents, mother of the applicant was not qualified for appointment and therefore, her name was not considered. In the circumstances, there is no

issue of substitution of name, but afresh considering the candidature of the present applicant.

4. It is the case of the present applicant that he was minor when his father was died and immediately upon attaining the age of majority, he has filed application for appointment on compassionate ground.

5. In the circumstances, the present Original Application is partly allowed without any order as to costs. The communication dated 29.12.2016 is hereby quashed and set aside. The respondent No. 3 is hereby directed to consider the applications of the present applicant afresh in view of the above direction i.e. considering his case afresh for appointment on compassionate ground and not on the ground of substitution of name. It shall be considered that as to whether the application for appointment on compassionate ground is filed within limitation and accordingly to take decision within a period of two months from the date of this order for putting the name of the applicant in the waiting list from the date of filing of the application.

PLACE : AURANGABAD.

DATE : 27.11.2018.

KPB S.B. O.A. No. 931 of 2017 mtj 2018 dies

**(M.T. JOSHI)
VICE CHAIRMAN**