

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO. 528 OF 2014

DIST. : PARBHANI

Smt. Sarojini w/o Surajkumar Pedapalli,
Aged 40 years, Occu. Household,
R/o Gangaputra Colony, Dargah Road,
Parbhani.

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APPLICANT

VERSUS

1. The State of Maharashtra,
Through
The Director General of Police,
Shahid Bhagatsingh Road,
Kolaba, Mumbai . 400 001.

2. The District Superintendent of Police,
Parbhani, Dist. Parbhani.

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RESPONDENTS

APPEARANCE : Shri A.P. Sonpethkar, learned Advocate for
the applicant.

: Shri I.S. Thorat, learned Presenting Officer for
respondents.

CORAM : HON'BLE SHRI J. D. KULKARNI,
MEMBER (J)

ORAL ORDER

(Delivered on 30th November, 2016)

1. In this O.A. the applicant is claiming following reliefs :-

¶. By way of appropriate direction, the Respondents nos. 1
and 2 may be directed to consider the Name of the applicant

herself for appointment on compassionate ground in place of her husband.

And / or

C. The respondents may kindly be directed to incorporate the name of son of the applicant by name Amol Surajkumar Pedapalle in place of the applicant and he may be considered for appointment on compassionate ground at appropriate stage i. e. on completion of 18 years of his age.+

2. So far as claim of the applicant is concerned, it seems that the applicant's husband viz. Surajkumar Pedapalli was working as a Sweeper with the respondent authorities and he died on 15.5.2006. The applicant in the present O.A. Smt. Sarojini w/o Surajkumar Pedapalli immediately filed an application for compassionate appointment on 19.6.2006. No action was taken on her request except that some documents were called from the applicant as per letter dated 28.1.2010. In other words, it means that the application of the applicant for compassionate appointment was under consideration, but all of a sudden on 29.5.2010, it was informed to the applicant that since she has crossed the age of 40 years, her name cannot be considered for compassionate appointment.

3. Thereafter on 3.7.2010, the applicant immediately filed another application making an alternative prayer that, in case her name is not considered for compassionate appointment, name of her minor son viz.

Amol Surajkumar Pedapalli be considered for compassionate appointment. However, vide impugned order dated 5.10.2012 the applicant has been informed that, there is no provision for substitution of the name in the waitlist of compassionate appointment seekers and, therefore, applicant's claim cannot be considered. The applicant, therefore, has filed the present O.A.

4. In the meantime, G.R. dated 6.10.2010 has been issued by the Govt., wherefrom it seems that the upper age limit of 40 years has been extended to 45 years for considering the cases for compassionate appointment. Prima-facie, it seems that the applicant was very much under impression that her application for compassionate appointment was under consideration. The learned Advocate for the applicant submits that, if her case is not considered on technical grounds, the fact that her son has become major and his name can be considered and he be given an opportunity to file application for compassionate appointment.

5. The learned P.O. submitted that applicant's son has become major on 7.4.2016 as seen from his date of birth. He has referred one G.R. dated 11.9.1996, which gives right to the minor son of the deceased employee to apply for compassionate appointment within one year from attaining the majority. Even from the other GRs in the field, it seems that this period of one year may be extended for further period of 2 years.

6. In view of above, it will be clear that the applicant's son viz. Amol Surajkumar Pedapalli will be at liberty to submit application for compassionate appointment as per rules and, therefore, O.A. can be disposed of in view of this legal position. Hence, I pass following order :-

ORDER

- (i) The O.A. is partly allowed.
- (ii) The applicant's son viz. Amol Surajkumar Pedapalli is at liberty to submit an application for compassionate appointment in place of his deceased father. The applicant agrees to file such application within a period of 2 weeks from the date of this order.
- (iii) On receiving such an application, the respondent authorities shall consider the same as per the rules and regulation in the field and as per the merits of the applicant's son.

There shall be no order as to costs.

MEMBER (J)