

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 685 of 2022 (S.B.)

Ku. Pranali Sudhakar Kamble,
Aged about 38 years, Occ. Nil,
R/o Plot No.84, Shrihari Nagar,
Manewada Ring Road, Nagpur-27.

Applicant.

Versus

- 1) State of Maharashtra,
Ministry of Revenue Department,
Government of Maharashtra, Mantralaya, Mumbai-32
through its Secretary.
- 2) Deputy Director of Land Records,
Nagpur Division, Nagpur
Civil Lines, Nagpur-1.
- 3) The Superintendent of Land Records,
City Survey No.2, Nagpur
Civil Lines, Nagpur-1.

Respondents.

Shri P.H. Khobrabade, Advocate for the applicants.
Shri S.A. Sainis, learned P.O. for the respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 19/12/2022.

JUDGMENT

Heard Shri P.H. Khobragade, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The Id. P.O. has filed the reply of respondent nos.1 to 3. It is taken on record.

3. The case of the applicant in short is as under-

The father of applicant namely Sudhakar Z. Kamble was in service of respondent no.2. He died on 06/03/2013 due to illness, while he was in service. The applicant and her mother could not approach to the Authority with prayer to appoint the applicant on compassionate ground because of proper guidance. There was also difficulty in the family because of the sudden death of Sudhakar Kamble. The applicant applied for appointment on compassionate ground on 16/04/2019. The said application was rejected by respondent no.3 vide impugned order / communication dated 06/07/2019. In the said communication, it was informed that the applicant not applied within one year and therefore her name cannot be included in the waiting seniority list. Hence, the applicant approached to this Tribunal for direction to the respondents to include her name in the waiting seniority list for appointment on compassionate ground.

4. The O.A. is opposed by the respondents on the ground that the applicant not approached before the Authority within stipulated period of one year. As per the Govt. G.R., any application after one year from the death of employee cannot be entertained and therefore it was rightly communicated to the applicant.

5. Now the issue in respect of delay is decided by the Hon'ble Bombay High Court, Bench at Aurangabad Bench in Writ Petition No.439/2020 in the case of **Gopal Dayanand Ghate Vs. State of Maharashtra & Ors.** The Hon'ble Bombay High Court, Bench at Aurangabad has held that the application for appointment on compassionate ground cannot be rejected because of the delay on the part of the applicant. The Hon'ble Bombay High Court has held that it is the duty of the concerned department to guide the dependent of the deceased to apply for appointment on compassionate ground. Nothing is on record to show any information is given to the dependent of the deceased to file application for appointment on compassionate ground. Therefore, the rejection of application on the ground of delay is not proper. Hence, the following order –

ORDER

- 1) The O.A. is allowed.
- 2) The respondent no.3 is directed to include the name of applicant in the waiting seniority list for appointment on compassionate ground and provide employment, as per the rules.
- 3) No order as to costs.

Dated :- 19/12/2022.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 19/12/2022.