

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 934 of 2021 (S.B.)

Shri Manoj Pratapsing Chavan,
Aged about 31 years, Occ: Student,
R/o Shirla, emane, Tah. Khamgaon,
Distt. Buldhana.

Applicant.

Versus

- 1) State of Maharashtra, through its Secretary,
Department of Home, Mantralaya,
Mumbai- 400032.
- 2) Special Inspector General of Police,
Amravati Division Amravati, Distt. Amravati.
- 3) Superintendent of Police,
Buldhana, Distt. Buldhana.
- 4) Special Inspector General of Police (Establishment)
Office of Director General of Police,
Sahid Bhagat Singh Marg, Kulaba, Mumbai400001.
- 5) District Collector, Buldhana,
Distt. Buldhana.

Respondents.

S/Shri R.L. Kadu, Sujata Waldekar, Advocates for the applicant.
Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 20/04/2023.

JUDGMENT

Heard Shri R.L. Kadu, learned counsel for the applicant
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

The father of applicant was working in the Police Department as a Police Constable. He died on 13/10/1998 while he was in service. The applicant applied for appointment on compassionate ground on 26/08/2008. The communication dated 11/11/2019 was made by the Superintendent of Police, Buldhana. The proposal was submitted by Special IGP, Mumbai on 09/01/2020. In the said proposal, the Government was requested to condone the delay of two months and seven days and provide employment to the applicant on compassionate ground. The said recommendation was rejected by the Government as per letter dated 23/10/2020 on the ground that delay cannot be condoned. It is mentioned in the letter dated 23/10/2020 that there is a delay of two months from the date of attaining the age of majority. Therefore, the applicant has approached to this Tribunal for direction to the respondents to enter his name on waiting list for appointment on compassionate ground and provide the employment on compassionate ground.

3. Heard Shri V.A. Kulkarni, learned P.O. for the respondents. The respondents have opposed the claim of the applicant on the ground that there is a delay, there is no provision to condone the delay. Hence, the O.A. is liable to be dismissed.

4. Heard Shri R.L. Kadu, learned counsel for the applicant. He has pointed out the Judgment of Hon'ble Bombay High Court,

Bench at Aurangabad in Writ Petition No.439/2020 in the case of ***Gopal D. Ghate Vs. State of Maharashtra and Ors.***, decided on 20/10/2021.

5. The Hon'ble Bombay High Court, Bench at Aurangabad in the above cited decision has held that as per the G.R. dated 21/09/2017, it is the duty of concerned department to explain the procedure and also guidance to the concerned dependents of deceased employee to avail the benefit of appointment on compassionate ground. The respondents have not pointed out whether they have made any explanation or made any guidance to the applicant to get benefit of scheme for providing appointment on compassionate ground. The Hon'ble Bombay High Court has held that it is duty of the concerned department and if the duty is not fulfilled, the department cannot say that delay was on the part of dependents of deceased employee.

6. Hence, in view of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in the case of ***Gopal D. Ghate Vs. State of Maharashtra and Ors.***, the delay is liable to be condoned. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to enter the name of applicant on waiting seniority list for appointment on compassionate ground and provide him employment, as per rules.
- (iii) No order as to costs.

Dated :- 20/04/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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 : 20/04/2023*