

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1068 of 2021 (S.B.)

- (1) Smt. Nirmala wd/o Laxman Bhalavi,
Aged about 61 years, Occ.Nil.
- (2) Miss Rupali D/o Laxman Bhalavi,
Aged about 33 years, Occ. Nil
- (3) Harshal S/o Laxman Bhalavi,
Aged about 28 years, Occ. Student.

All applicants 1 to 3 are,
R/o 333,Ramdeo Baba Complex,
New Subhedar Layout, Hudkeshwar Road, Nagpur.

Applicants.

Versus

- 1) The Secretary,
Home Department,
M.S., Mantralaya, Mumbai.
- 2) The Deputy Inspector General (VIP Protection),
Dadar, Mumbai-400 014.
- 3) The Commissioner,
State Intelligence Bureau, Mantralaya, Mumbai.
- 4) The Police Commissioner,
Nagpur City, Civil Lines, Nagpur.
- 5) The Collector, Nagpur, Civil Lines, Nagpur.
- 6) The Inspector,
Bomb Detection and Diffusion Squad,
Sadar, Nagpur.

Respondents.

V.L. and Mrs. S.V. Kolhe, Advocates for the applicant.

Shri A.M. Ghogre, learned P.O. for respondents.

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

Dated :- 21/07/2022.

JUDGMENT

Heard Mrs. S.V. Kolhe, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

The husband of applicant no.1 deceased Laxman S/o Ramchandra Bhalavi was working as Police Inspector, Bomb Detection and Diffusion Squad, Nagpur at the office of respondent no.6. From 30/09/2003, he was working as Police Inspector. On 21/05/2001 and 24/05/2001 while the deceased Laxman was on duty, two pipes Bomb were found in Mahal area at Nagpur and during diffusion of the said Bomb, dangerous Nitro-Benzene was released, due to which deceased Laxman suffered from disease "Aplastic Anaemia" and during course of medical treatment he died on 07/01/2003. The deceased died leaving behind his legal representative applicant no.1 widow and two daughters and one son. All children were minor at the time of death of deceased Laxman.

3. In the month of November, 2003, the applicant no.1 has submitted application for getting appointment on compassionate ground. The said application alongwith all relevant documents were

forwarded by respondent no.3 to the Collector, Nagpur. The respondent no.3 issued interview call dated 12/7/2004 to the applicant no.1. She was directed to remain present for interview on 17/07/2004 at the office of respondent no.3 for the post of Peon on compassionate ground. On 17/07/2004, the applicant no.1 appeared before the respondent no.3 and submitted application stating therein that she is unable to do service as she has to look after her children and further requested to give appointed to her son i.e. applicant no.3.

4. Later on the applicant no.2 who is a divorcee submitted an application for appointment on compassionate ground. The said application was accompanied by the no objections of applicant nos.1 and 3. The respondents have not considered the application of applicant no.2 till date. The respondent no.2 made query to respondent no.6 asking him to show definite correspondence about the declaration of Martyrs of deceased. Nothing on record to show that the application of applicant no.2 is rejected.

5. The Id. P.O. has pointed out the letter issued by the Deputy Commissioner of Police, Nagpur dated 19/7/2019. As per this letter, application of applicant no.1 is forwarded to the Special Inspector General of Police, Mumbai.

6. There is no dispute that father of applicant no.2 died during diffusion of two pipe bomb found in Mahal area at Nagpur.

There is also no dispute that applicant no.1 was called for interview for the post of Peon. It is clear that the applicant no.1 stated on the day of interview in the application that she is unable to do duty, because, she has to look after the children and requested to provide said appointment to her son. Lateron the applicant no.2 who is a divorcee applied for appointment on compassionate ground. The applicant no.1, i.e., Smt. Nirmala wd/o Laxman Bhalavi and respondent no.3, i.e., Harshal S/o Laxman Bhalavi had given no objection for appointment of applicant no.2. Therefore, there was no any hurdle for the respondents to enter the name of applicant no.2 in the seniority list in place of the name of applicant no.1 and provide the employment as per the rules. Hence, the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to enter the name of applicant no.2 in the seniority list in place of name of applicant no.1 and provide her appointment on compassionate ground, as per the rules.
- (iii) No order as to costs.

Dated :- 21/07/2022.

(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 : 21/07/2022.

Uploaded on : 26/07/2022.

ok