

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 107 of 2022 (S.B.)**

Sarthak S/o Pradeep Talvekar,  
aged about 19 years, Occ. Nil, R/o, Plot No. 144,  
Freedom Fighter Colony, Mhalgi Nagar, Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary, Public Works Department,  
Mantralaya, Mumbai-32.
- 2) The District Collector, Nagpur.
- 3) The Superintending Engineer,  
Sarvajanik Bandhkam Mandal,  
(PWD) Department Nagpur, District, Nagpur.

**Respondents.**

---

**Shri S.U. Ghude, Advocate for the applicant.**  
**Shri A.M. Khadatkhar, learned P.O. for respondents.**

---

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

**Dated :- 30/11/2023.**

---

**JUDGMENT**

Heard Ms. Smita Dashputre, learned counsel holding for  
Shri S.U. Ghude, learned counsel for applicant and Shri A.M.  
Khadatkhar, Id. P.O. for respondents.

2. The mother of applicant applied for appointment on  
compassionate ground after the death of her husband. She had  
completed 45 years of age, therefore, her name was removed from  
the waiting seniority list as per order dated 21/09/2017. The applicant

applied for appointment on compassionate ground after attaining the age of majority i.e. on 31/08/2021. The respondents have not decided the application of the applicant dated 31/08/2021. Hence, the applicant approached to this Tribunal.

3. The respondents have opposed this O.A. As per the G.R. dated 20/05/2015 once the name of dependent is taken on the seniority list, then substitution is not provided, therefore, the applicant cannot claim for appointment on compassionate ground.

4. During the course of submission, the learned counsel for applicant has pointed out the Judgment of this Tribunal in O.A.252/2018, decided on 01/11/2018. The mother of applicant filed the O.A. with a prayer to direct the respondents to appoint her on compassionate ground. The mother of applicant had challenged the action of respondents for removing her name from the waiting seniority list. Her name was removed by the respondents as she had completed 45 years of age. The O.A. was dismissed by this Tribunal, but in para-14 it is observed that the applicant, i.e., the son of deceased can apply for appointment on compassionate ground. After this O.A., the applicant became major in the year 2021. The applicant applied for appointment on compassionate ground on 31/08/2021. But till date, it is not decided. Hence, the following order –

**ORDER**

(i) The O.A. is partly allowed.

(ii) The respondents are directed to decide the application of applicant dated 31/08/2021 within a period of two months from the date of receipt of this order.

(iii) No order as to costs.

**Dated** :- 30/11/2023.

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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 30/11/2023.