

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 152 of 2022 (S.B.)**

Sanskar Narendra Tiwaskar,  
Aged about 20 years, Occ. Student,  
R/o Pandurang Nagar, Tah. Hingna, & Dist. Nagpur.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Ministry of Home Affairs,  
Mantralaya, Mumbai.
- 2) The Commissioner of Police,  
Mumbai, Loha Marg, Mumbai.
- 3) The District Collector, Nagpur,  
Tah. and Dist. Nagpur.
- 4) Commandant Office, SRPF,  
Division-4, Dist. Nagpur.

**Respondents.**

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**Naziya S. Pathan, Advocate for the applicant.**

**Shri S.A. Sainis, P.O. for respondents.**

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

**Dated :- 19/09/2022.**

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**JUDGMENT**

Heard Mrs. Naziya S. Pathan, learned counsel for applicant and Shri S.A. Sainis, learned P.O. for respondents.

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

3. That applicant's father namely Narendra Tiwaskar was working as a Police Constable and he died on 24/06/2009. The

applicant was aged about 8 years at the time of the death of his father. Therefore, the mother of applicant applied to the respondents to provide service on compassionate ground.

4. The respondents have not provided any service to the mother of applicant. Therefore, she applied on 22/08/2019 (P-25) requesting the respondents to provide service on compassionate ground to her son, i.e., the applicant because that time the applicant attained the age of majority. The respondents have not replied or informed about the representation dated 22/08/2019 (P-25), but informed the applicant's mother on 04/03/2021 (P-33) stating that she has crossed the age of 45 years and therefore as per the G.R. dated 21/09/2017, she is not entitled for service on compassionate ground.

5. Heard Shri S.A. Sainis, learned P.O. for respondents. He has pointed out the reply filed by respondent no.3 and submitted that the substitution is not permissible in view of the G.R. of 2015.

6. The G.R. dated 21/09/2017 is the compilation of all the earlier G.Rs. in respect of appointment on compassionate ground. As per the G.R. of 2015, substitution was not permissible.

7. The Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.6267/2018 in the case of **Dnyaneshwar S/o Ramkishna Musane Vs. State of Maharashtra & Others**, has held that the restriction

imposed by the Government about non substitution of the name of other legal representative as per the G.R. dated 20/5/2015 is unreasonable and therefore directed the Government of Maharashtra to delete the same.

8. The Hon'ble Bombay High Court, Bench at Aurangabad in the said Writ Petition held as under –

*“(I) We hold that the restriction imposed by Government Resolution dated 20/05/2015 that if name one legal representative of deceased employee is in the waiting list of persons seeking appointment on compassionate ground, then that person cannot request for substitution of name of another legal representative of that deceased employee, is unjustified and it is directed that it be deleted.”*

9. The Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.6267/2018, specifically directed the State of Maharashtra to delete the direction, but till date it is not complied. It is for the respondents to comply the G.R. by providing the service to the legal heirs of the deceased employee, who died during service. The applicant was major in the year 2019. He applied for substitution in place of his mother, but his name was not taken in the seniority list. On the other hand, vide letter dated 04/03/2021, it was informed to the mother of applicant that she has crossed the age of 45 years and therefore she is not entitled for service on compassionate ground. It was expected from the respondents to substitute the name of

applicant, i.e., the son of deceased, but instead of same they have informed the mother of applicant by letter dated 04/03/2021.

10. In view of the Judgment of The Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.6267/2018 in the case of **Dnyaneshwar S/o Ramkishna Musane Vs. State of Maharashtra & Others**, the substitution is permissible in place of other legal representative. Hence, the following order –

**ORDER**

- (i) The O.A. is allowed.
- (ii) The respondents are directed to substitute the name of applicant in place of the seniority of his mother in the waiting list on compassionate ground and provide the suitable employment.
- (iii) No order as to costs.

**Dated** :- 19/09/2022.

**(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 : 19/09/2022.

Uploaded on : 22/09/2022.

ok\*