

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 171 of 2020 (D.B.)**

Yogesh S/o Gangadhar Dhakate,
Aged About: 46 Years, Occu.: Junior Clerk,
R/o C/o G. M. Dhakate, Mahakali Ward No. 26 Koshti Pura,
Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
Through Secretary, Revenue and Forest Department,
Mantralaya, Mumbai – 32.
- 2) Additional Chief Conservator of Forest (ADM),
Van Bhawan, Civil Lines, Nagpur 440001.
- 3) Chief Conservator of Forest,
Chandrapur Circle, Chandrapur, Civil Lines, Nagpur Road,
Chandrapur.
- 4) Chief Conservator of Forest Cum Regional Director,
Tadoba Andhari Tiger Project, Chandrapur.
- 5) Deputy Director (Buffer),
Tadoba Andhari Tiger Project, Chandrapur,
Rambagh Forset Colony, Mul Road, Chandrapur.

Respondents.

**S/Shri G.N. Khanozde, G.C. Khond, Mrs. P. Joshi, Advs. for the
applicant.**

Shri M.I. Khan, P.O. for respondents.

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

Dated :- 13/03/2024.

J U D G M E N T

Heard Shri G.N. Khanzode, learned counsel for the
applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The regular Division Bench is not available. The Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai issued Circular No.MAT/MUM/JUD/469/2023, dated 24/04/2023. As per the direction of Hon'ble Chairperson, if both the parties have consented for final disposal, then regular matter pending before the Division Bench can be disposed off finally.

3. As per the M.A.T., Principal Bench, Mumbai office order / letter No.MAT/MUM/JUD/1350/2023, dated 21/11/2023, the Hon'ble Chairperson, M.A.T., Principal Bench, Mumbai has given direction to this Tribunal to decide the Division Bench matters if the matter is covered by the Judgments of Hon'ble Supreme Court, Hon'ble High Court and the Benches of the M.A.T. etc. Hence, the matter is heard and decided finally with the consent of learned counsel for both the parties.

4. The respondents have issued impugned order dated 31/12/2019 by which the applicant is kept on supernumerary post for not producing Caste Validity Certificate of S.T. category. The applicant was appointed on compassionate ground as per order dated 04/03/1999 (P-19).

5. The learned counsel for applicant has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in

Writ Petition (Stamp) No.12224/2020, decided on 23/07/2020. The Hon'ble High Court in para-4 has held that employee who is appointed on compassionate ground need not to produce Caste Validity Certificate. The material observation in clause / Para-4 of the said Judgment is reproduced below –

“(4) It is not in dispute that upon death of the husband of the petitioner, the petitioner has been appointed on compassionate ground. This Court has consistently held that a person appointed on compassionate ground upon death of an employee, is not required to submit the validation certificate.”

6. The learned counsel for applicant has submitted that the impugned order is prima facie illegal and therefore liable to be quashed and set aside.

7. Heard learned P.O. for respondents. He has supported the impugned order.

8. There is no dispute that the applicant was appointed on compassionate ground as per the order dated 04/03/1999. The respondents have issued order dated 31/12/2019 keeping the applicant on supernumerary post on the ground that he has not produced Caste Validity Certificate of S.T. category.

9. In view of the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Mangal Manohar Salunke Vs.**

the State of Maharashtra & Ors., decided on 23/07/2020, the impugned order is liable to be quashed and set aside. Hence, the following order –

ORDER

(i) The O.A. is allowed.

(ii) The impugned order dated 31/12/2019 passed by respondent nos.3 and 4 is hereby quashed and set aside.

(iii) The respondents are directed to pay all consequential benefits in view of the quashing of the impugned order dated 31/12/2019.

(iv) No order as to costs.

Dated :- 13/03/2024.

**(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 P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 13/03/2024.