

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.40/2018. (S.B.)

Shridhar Vishwas Dhandare,
Aged about 26 years,
Occ-Nil,
R/o Sahakar Nagar, Adarsh Colony,
Bhandara.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
General Administration Department,
Mantralaya Mumbai-400 032.
2. The Superintending Engineer and
Divisional Officer,
Vigilance Unit (Nagpur Division),
Water Resources Department,
2nd floor, Govt. Building No.1, Civil Lines
Nagpur.
3. The Assistant Superintending Engineer,
Gosekhurd Lift Irrigation Circle, Ambadi,
Tq. & Distt. Bhandara.

Respondents

Shri Sarang Kotwal,. the learned counsel for the applicant.
Shri S.A. Sainis, the Ld. P.O. for the respondent Nos. 1 and 2.
Shri H.D. Marathe, the learned counsel for respondent No.3.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

ORAL ORDER

(Passed on this 21st day of December 2018.)

Heard Shri Sarang Kotwal, the learned counsel for the applicant, Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2 and Shri H.D. Marathe, the learned counsel for respondent No.3.

2. The applicant is claiming that the communication dated 5.12.2017 issued by respondent No.1 (Annexure A-6, Page 43) be quashed and the respondents be directed to add the name of the applicant in the wait list of candidates to be considered for appointment on compassionate ground from the date of his application i.e. 14.2.2008 in the wait list of candidates of the year 2008-2009.

3. The applicant's father was Driver in the office of the respondents and died on 4.8.2008. Earlier, the name of the applicant's mother was added in the wait list of candidates to be appointed on compassionate ground. His mother, however, did not get service and her name was ultimately removed from the wait list on the ground that she has attained the age of 40 years. Thereafter the applicant attained the age of majority on 14.2.2008 and on the

very day, he has filed an application for appointment on compassionate ground in place of his mother. In fact, applicant's name was added in the wait list of candidates at Sr. No.29.

4. The applicant received a communication that his name as well as name of his mother have been removed from the wait list and, therefore, the applicant filed writ petition before the Hon'ble High Court at Nagpur and the Hon'ble High Court was pleased to direct the applicant to file fresh representation and accordingly he filed fresh representation. Since nothing was done, he filed O.A. No. 488/2016 before this Tribunal. The said O.A. was disposed of on 8.8.2017 and the respondent No.1 was directed to take a decision on the submission dated 6.7.2015 referred in the communication dated 28.4.2016 and to consider the representation of the applicant for getting appointment on compassionate ground dated 1.4.2016 with proper perspective afresh. The decision was to be taken within two months. Accordingly, the decision has been taken and name of the applicant has been added in the wait list of candidates to be appointed on compassionate ground, but w.e.f. 1.4.2016. It was communicated to the applicant vide Annexure A-6 on 5.12.2017. The learned counsel for the applicant submits that the applicant's name should have been included in the wait list of

candidates of the year 2007-2008 from the date of his application i.e. 14.2.2008. It is the case of the respondents that, they have added the name of the applicant in view of representation filed by the applicant as per directions of this Tribunal. In order to know what was the contention of the said representation, the applicant was directed to place on record copies of representation. Applicant accordingly filed pursis on 18.12.2018 alongwith copies of representation dated 28.4.2016 and 1.4.2016. Perusal of the representation makes it crystal clear that the applicant has requested that the application for appointment on compassionate ground shall be considered from 14.2.2008, i.e. the date on which he became major and had filed an application for appointment on compassionate ground. Admittedly, the Government has issued a Circular whereby the minor son of deceased employee can apply for appointment on compassionate ground within one year from the date of attaining majority. It seems that the applicant accordingly applied immediately after becoming major and requested that his name shall be included in the wait list of candidates to be appointed on compassionate ground. Not only that, his name was taken on the wait list at Sr. No.29, as seen from Annexure A-2, Pages 12 to 21 (both inclusive). There was absolutely no reason as to why the

applicant shall be considered from the date of his application. Even in the representation, he has claimed that he may be included in the wait list of candidates as on 14.2.2008. In view of discussion in foregoing paras, I find that there is a substance in the O.A. Hence, I proceed to pass the following order:-

ORDER

- (i) The O.A. is allowed in terms of prayer clause (II) of the O.A.
- (ii) The respondents are directed to add the name of the applicant in the wait list of candidates to be appointed on compassionate ground at Sr. No.29 as was added as per Annexure A.2
- (iii) No order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

Dt. 21.12.2018.

Pdg.

