

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO. 584/2006.

Sunil Natthuji Mahant,
Aged about 32 years,
Occupation- Nil,
R/o Ward No.5, Avdhootwadi, Saoner,
Distt. Nagpur.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue & Forests,
Mantralaya, Mumbai-32.
2. The Collector,
Nagpur.

Respondents.

Shri S.P. Kshirsagar, the learned counsel for the applicant.
Shri P.N. Warjekar, the Ld. P.O. for the respondents.

Coram:- Shri S.S. Hingne,
Vice-Chairman.

Dated: 18th November 2016.

ORDER.

Heard Shri S.P. Kshirsagar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The applicant seeks appointment on compassionate ground since his father retired on physical incapability relying on the G.R. dated 20.8.1996 (A.1, P.12). Applicant's father was working as

Talathi . His eyesight became weak. He was sent to medical examination and the Civil Surgeon examined him on 22.7.1996 and issued a certificate that he is completely physically unfit to work. According to the applicant, his father ought to have been retired from 29.7.1996 being physically incapable. However, he was not made to retire. He was asked to appear before the Medical Board and accordingly he appeared before the Medical Board and the Medical Board issued medical certificate on 20.9.1996 to the effect that he is medically unfit.

3. The learned counsel for the applicant urged that had the father of the applicant been retired in July 1996, the applicant could have been appointed on the basis of the G.R. dated 20.8.1996. Thus, for no fault of the father of the applicant and due to the act of the respondents, the applicant is deprived of the benefits.

4. The learned P.O. points out that the date of birth of the father of the applicant is 2.12.1939. As per G.R. dated 20.8.1996, Group-C employee if retired on medical ground before the age of 55 years, then only his L.Rs can get an appointment on compassionate ground. The father of the applicant completed 55 years of age in 1994 itself. Thus after this death, if the father of the applicant has retired on medical ground, benefit cannot be available to the L.Rs to get appointment on compassionate ground. Meaning thereby even if the

date of medical unfitness is taken into consideration as July 1996 i.e. on which date he was examined by the Civil Surgeon, it does not confer any right to the applicant, because his father has already completed 55 years of age in 1994 and if the employee retired after 55 years of age on medical ground, benefit is not available to his L.Rs.

5. Thus the case putforth by the applicant is devoid of merit. Consequently, the O.A. is rejected with no order as to costs.

(S.S.Hingne)
Vice-Chairman

pdg