

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 725 of 2022 (S.B.)

Amit Ram Nagrurkar,
Aged about 26 years, occ. Nil,
Resident of Police Line Takli, Pension Nagar,
Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Department of Home Affairs, Mantralaya, Mumbai.
- 2) The Director General of Police,
Maharashtra State, Mumbai.
- 3) The Commissioner of Police,
Nagpur City, Nagpur.

Respondents.

**S/Shri Bharat Kulkarni, Sunil Pande, Advocates for the applicant.
Shri A.M. Ghogre, learned P.O. for respondents.**

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

Dated :- 12/01/2023.

J U D G M E N T

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for respondents.

2. The learned P.O. has filed reply on behalf of respondent no.3. It is taken on record.

3. The learned counsel for applicant has submitted that this matter is covered the Judgment of this Tribunal and the Judgment of

Hon'ble Bombay High Court, Bench at Aurangabad. Hence, the matter is admitted and decided finally with the consent of learned counsel for parties.

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

The father of applicant Ram Suresh Nagrurkar was working as a Police Constable. He died on 08/02/2010 when he was in service. The mother of applicant applied for appointment on compassionate ground. 19/04/2010. Her name was entered in the waiting seniority list. Her name was removed from the waiting seniority list, because, she had completed 45 years of age. The mother of applicant applied for substitution of name of her son, i.e., the applicant. The respondents have not considered on the ground that the G.R. of 2015 is not permitted for substitution. Hence, the applicant approached to this Tribunal.

5. Now the issue is already decided by 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 Hon'ble Bombay High Court has held as under –

"I) We hold that the restriction imposed by the Government Resolution dated 20.05.2015 that if name of 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.

II) We hold that the petitioner is entitled for consideration for appointment on compassionate ground with the Zilla Parishad, Parbhani.

III) The respondent no.2 - Chief Executive Officer is directed to include the name of the petitioner in the waiting list of persons seeking appointment on compassionate ground, substituting his name in place of his mother's name.

IV) The respondent no.2 - Chief Executive Officer is directed to consider the claim of the petitioner for appointment on compassionate ground on the post commensurate with his qualifications and treating his seniority as per the seniority of his mother.

V) Rule is made absolute in the above terms.

VI) In the circumstances, the parties to bear their own costs.”

6. As per the decision of Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Dnyaneshwar S/o Ramkishna Musane Vs. State of Maharashtra & Others,** substitution is permitted.

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 name of his mother in the same seniority list and at the same serial number and provide him employment, as per rules.

(iii) No order as to costs.

Dated :- 12/01/2023.

(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 : 12/01/2023.*