

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 926 of 2020 (S.B.)

Mohnish Singh S/o Dilip Singh Bais,
Aged about 30 years, Occ. Nil,
R/o Plot No.832, near Manke Guruji House,
Laskari Bagh, Kamal Chowk, Nagpur-440 017.

Applicant.

Versus

- 1) State of Maharashtra,
through its Principal Secretary
Public Health Department, 10th floor,
G.T. Hospital Complex Building, Fort,
Mumbai-32.
- 2) Director of Public Health,
Central Building, near Railway Station,
Pune.
- 3) Deputy Director of Health Services,
Nagpur Region, Mata Kacheri Compound,
Shradhanand Peth, Nagpur.
- 4) Medical Superintendent,
Daga Memorial Government Hospital,
Nagpur.

Respondents.

Shri N.D. Thombre, Advocate for the applicant.
Shri H.K. Pande, learned P.O. for respondents.

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

Dated :- 02/08/2022.

JUDGMENT

Heard Shri N.D. Thombre, learned counsel for applicant and Shri H.K. Pande, learned P.O. for respondents.

2. The mother of applicant was working with the respondents on the post of Staff Nurse. The mother of applicant expired on 09/03/2012 while she was in service. After the death of mother of applicant, he applied for compassionate appointment on 29/09/2012. After the submission of application, the respondent no.3 raised objections and sought various documents from the applicant. The applicant complied all the objections and submitted relevant documents immediately from time to time. On 9/8/2017, the applicant contacted to the office of respondent no.4. During the inquiry, the applicant was told that he is kept on waiting list and it will take time as the appointments are given as per seniority.

3. Nothing is done by respondent nos.3 and 4, therefore, the applicant again submitted the reminder to respondent no.4 on 9/8/2017. After the receipt of relevant information, documents and affidavits from applicant by letters dated 10/7/2019 and 25/7/2019, the respondent no.4 again submitted revised proposal to respondent no.3 by her letter dated 24/9/2019. Again the respondent no.3 made queries and sent back the proposal. The applicant again complied the queries and submitted to respondent no.4 by his letter dated

13/12/2019. The respondent no.4 again submitted proposal to respondent no.3 as per letter dated 14/12/2019, but the respondent no.3 as per impugned order dated 16/01/2020 informed the applicant that he had not submitted documents within one year, therefore, his application for compassionate appointment is rejected.

4. Heard learned P.O. Shri H.K. Pande. He has submitted that the applicant not complied the directions. He has not submitted proposal with all the documents and therefore proposal was not considered. The latest proposal was submitted after one year, therefore, it is rejected as it is not submitted within one year from the death of the deceased employee.

5. The learned counsel for applicant has pointed the decision of this Tribunal in O.A. 98/2020. This Tribunal relying on the decision of Hon'ble High Court in the case of **Gopal Dayanand Ghate Vs. State of Maharashtra & Ors.**, held that delay cannot be a ground to deny compassionate appointment. In the case of **Gopal Dayanand Ghate Vs. State of Maharashtra & Ors.**, the Hon'ble High Court has held that it is the duty of the establishment of concerned department to guide the dependent of deceased employee and therefore the concerned establishment / department cannot say that there was delay on the part of dependent of the deceased employee. In the present matter, the applicant has approached to the respondents from

time to time. His proposal was submitted by respondent no.4 in 2-3 times to respondent no.3, but the respondent no.3 returned back. It appears that the respondent no.3 not guided properly and not taken into account his earlier applications. It was the duty of the respondents / concerned establishment to guide the dependent of deceased employee. It cannot be rejected only on the ground that the application was not made within a period of one year. Hence, the impugned order dated 16/01/2020 is liable to be quashed and set aside. Therefore, I pass the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The impugned communication dated 16/01/2020 is hereby quashed and set aside.
- (iii) The respondents are directed to enter the name of applicant in the seniority list of candidates for appointment on compassionate ground and provide employment to the applicant, as per the rules.
- (iv) No order as to costs.

Dated :- 02/08/2022.

(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 : 02/08/2022.

Uploaded on : 02/08/2022.

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