

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 944/2017 (S.B.)

Arif Naimuddin Sayyed,
Aged about 28 years,
Occ. Nil, R/o Bhawani Ward,
Prabhag-2, Behind Nagar Parishad,
Brahampuri, Tah. Brahmapuri, Dist. Chandrapur.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.
- 2) The Director General of Police (M.S.),
Hutatma Chowk, near Regal Cinema,
Mumbai.
- 3) The Superintendent of Police,
Chandrapur, Tq. & Dist. Chandrapur.

Respondents.

Shri S.N. Gaikwad, Advocate for the applicant.

Shri S.A. Sainis, P.O. for respondents.

**Coram :- Hon'ble Shri Anand Karanjkar,
Member (J).**

JUDGMENT

(Delivered on this 2nd day of April,2019)

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The father of the applicant was in service in the Police Department. The father of the applicant died on 29/1/2002. The mother of the applicant submitted application for appointment in the Government service on compassionate ground, but as mother of the applicant crossed the age of 40 years, her name was removed from the list.

3. The applicant thereafter submitted application submitting that he was son of the deceased and he attained majority in year 2008, therefore, his name be entered in the list. Name of the applicant was entered in the list. It was at sr.no.72 and date of birth of the applicant was 16/10/1989. The applicant was matriculate. It appears from the papers that the applicant was called for the test at the time of recruitment of Police Constables in the year 2014 and 2016 and also in 2017. The respondent no.3 wrote letter dated 14/8/2017 and informed the applicant that as name of the mother of the applicant was enrolled in the list, therefore, the applicant's name cannot be entered in the list. After perusing the G.R. dated 22/8/2005 and G.R. dated 21/9/2017, I do not see any merit in the ground raised by the respondents. As per G.R. dated 22/8/2005 the applicant acquired right to apply for appointment on compassionate ground on the day on which he attained majority. The applicant's name was entered in the list on 1/6/2009. It was at sr.no.72. It seems that date

of birth of the applicant was 16/10/1989. This it seems that on 16/10/2007 the applicant became major and became entitled to claim the employment on compassionate ground. The Annex-A-1 is dated 14/7/2008 by which the applicant applied for the appointment on compassionate ground. Thus it seems that the application was submitted by the applicant for the appointment on compassionate ground within one year after attaining majority. In view of these facts, I am compelled to accept that the action of the respondents deleting the name of the applicant from the list is illegal. Here it must be remembered that the applicant was not requesting to enter his name in the list in place of name of his mother, but the applicant had independent right to apply for the appointment on compassionate ground. Therefore, in my opinion the action of the respondents is illegal and the applicant is entitled for the relief claimed in this application. In view of this, I pass the following order –

ORDER

The O.A. is allowed in terms of prayer clause nos. (ii) and (iii). No order as to costs.

Dated :- 02/04/2019.

(A.D. Karanjkar)
Member (J).

*dnk.