

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 167/2015

Paresh S/o Ramchandra Manvar,
Aged about 19 years, Student,
R/o Police Line Darwha, Tah. Darwha,
District Yavatmal.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Home Department, Mantralaya, Mumbai.
- 2) Superintendent of Police,
Yavatmal, District Yavatmal.

Respondents

Shri V.N. Patre, Advocate for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 26th day of April,2017)

Heard Shri V.N. Patre, Id. counsel for the applicant and
Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant Shri Paresh R. Manvar is the son of
deceased Ramchandra Manvar. The deceased Ramchandra Manvar

was Police Constable in the office of respondent no.2. The applicant was minor at that time.

3. On 15/09/2009 the applicant's mother applied for appointment on compassionate ground and requested that her daughter be given appointment in view of her husband's death. On 22/10/2012 the applicant's sister filed an affidavit expressing her desire to substitute the applicant's name in her place in the waiting list of candidates on compassionate ground. The applicant's mother also filed similar application on behalf of the applicant on 23/10/2012 and requested that the name of the applicant be substituted in place of her daughter. On 30/07/2013 the respondent no.2 refused to substitute the name of the applicant. The applicant became major in August,2014 and served the notice to respondent no.2 through Advocate on 02/02/2015. On 24/02/2015 the respondent no.2 intimated the applicant that there is no provision to substitute the name in the waiting list and therefore the applicant has filed this O.A. The applicant requested that the impugned communication dated 24/02/2015 (A-9,P-27) refusing to substitute the name of the applicant in place of his sister Ashtashila Ramchandra Manvar, who is at sr.no.62 in the waiting list be quashed and set aside and respondent no.2 be directed to substitute the name of the applicant in her place.

4. The respondent no.2 has filed reply-affidavit and admitted everything. It is stated that there is no provision to substitute the name of the candidate from the waiting list of the persons to be appointed on compassionate ground and therefore the request of applicant's mother was already rejected.

5. The impugned order whereby the applicant's claim has been rejected reads as under :-

^mijkdR l nHkZ/ku fo"K; kl vuU #u dGfo.; kr ;rs dh] 'kkl u i= vkjVhl h&0210@i z dz 181@i ky 5 c@fnukd 23@02@2010 P; k i =ku d kj %l kr ir tkMyh vkg% vu d k fu; DrhP; k i fr {kk ; knhrhy uko cny.; kph dkskrhgh rjrm 'kkl ukP; k i pfyr /kkj .kkk ukgh- R; keGs Jherh Kkusojh jkepmz euoj ; kph ukefunz ku cny.; kph fourh 'kkl u fu; ekl vuU #u ukgh-**

6. The said communication clearly shows that there is no provision to substitute the name and for that purpose reference has been given to G.R. The G.R. dated 20/05/2015 has been placed on record (Annex-III, page no.41). Para %d% of the said G.R. states as under :-

^%d%vu d k rRokojhy irh{kk l phojhy menokjps fu/ku >kY; kl R; k, oth dVpkrhy vU; i k= okl jnkjpk l ekos k vu d k fu; DrhP; k i r h {kkl phr dj .ks% de p k & ; k e R; p u r j R; k P; k i k= dVp h; kpsuko vu d k /kkj d k k ; k i r h {k l p h e / ; s ? k r Y ; k u a r j R ; k P ; k , o t h i k = o k j l n k j k p s u k o i r h {k k l p h e / ; s ? k r y s t k r u k g h - E g . k t p i r h {k k l p h e / k h y u k o c n y . ; k p h r j r m l / ; k P ; k / k k j . k k r u k g h - **

7. In this case the name of the applicant's sister has been taken on the waiting list and admittedly his sister is very much alive.

8. The learned counsel for the applicant has placed reliance on the Judgment in O.A.No. 382/2013 in the case of **Suraj Subhashrao Bhende Vs. State of Maharashtra and Ano.,** I have carefully gone through the said Judgment. The facts of the said Judgement are not analogues with the present case and therefore the said Judgment is not applicable.

9. The learned P.O. has placed reliance on the Judgment delivered on 16th January, 2012 by the M.A.T. Bench at Nagpur in O.A. No. 920/2010 in the case of **Narual Haq S/o Sheikh Baba Vs. State of Maharashtra & three ors.** In para-3 of the said Judgment, this Tribunal has observed as under :-

“ The appointment on compassionate ground is to be granted in conformity with the existing scheme which regulates the same and as there is no provision for substitution of a son’s name in place of the wife, the respondents have rightly rejected her request for substitution of her son’s name. The O.A. therefore has no merit and hence it deserves to be rejected. Accordingly it stands rejected with no order as to costs”.

10. In view of the aforesaid observations it would be clear that in the present case the application for compassionate appointment due to death of applicant’s father has been considered on merit and the name of the applicant’s sister has been taken on record in the

waiting list and that claim is very much alive. Admittedly the compassionate appointment can be considered for only one legal heir of the deceased and it is not vested right or hereditary right. Since the applicant could not show any provision for substitution of the name of the candidate on waiting list, the rejection of applicant's name for substitution in place of his sister is perfectly legal and proper. The mother of the applicant was already intimated that name of applicant cannot be considered for substitution in place of her daughter on 26/12/2011 itself, and therefore this O.A. is on similar cause of action, cannot be entertained. Hence the following order :-

ORDER

The O.A. stands dismissed with no order as to costs.

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

dnk.