

Thakur

[Spl/MAT/F-5/E]

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/3672/2017  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 22 SEP 2017

**ORIGINAL APPLICATION NO. 574 OF 2017.  
(Sub :- Appointment on Compassionate Ground)**

- 1 Shri Nikhil M. Gosarde,  
R/o. Dattat Kripa Banglow, Near Maheshwari Garden Mangal Karyalaya,  
New M.S.E.B. Dhamani Road, Vishrambag, Sangli.

.....**APPLICANT/S.**

**VERSUS**

1. The District Collector, Sangli, Rajwada Chowk, Sangli.  
2. District Collector, Solapur, Solapur, Tal. Pandharpur, Dist. Solapur.  
3. Division Commissioner (Revenue), Sadhu Vaswani Council Hall, Pune Camp  
Pune, Vidhan Bhavan, (Marathi), M.G. Road, Pune.

.....**RESPONDENT/S.**

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 18<sup>th</sup> day of **September, 2017** has made the following order:-

APPEARANCE : Shri M.B. Kadam, Advocate for the Applicant.  
Ms. N.G. Gohad, P.O., for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, VICE-CHAIRMAN.**

DATE : **18.09.2017.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Malik*  
22/9/2017

**Research Officer,  
Maharashtra Administrative Tribunal,  
Mumbai.**

Office Notes, Office Memoranda of Coram,  
Appearance, Tribunal's orders or  
directions and Registrar's orders

Tribunal's orders

**O.A.574/2017**

**Mr. N.M. Gosarade ... Applicant**  
**Vs.**  
**The State of Mah. & ors. ... Respondents**

Heard Mr. M.B. Kadam, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for the Respondents.

This OA brought by the heirs and LR's of the deceased Naib Tahasildar can be disposed of here and now.

The Applicant is the son of the said deceased. The said deceased died on 7<sup>th</sup> December, 2016. The reason why the request for enlisting his name came to be rejected was vide Exh. 'F' (Page 26 of the Paper Book (PB)) and the ground was that he was a Group 'B' Officer (Non-gazetted) while the said entitlement is only to the heirs and LR's of Group 'C' and Group 'D' employees. After some debate at the Bar where my attention was invited to a Judgment rendered by this Tribunal presided over by me in **OA 1008/2016 (Shri Ahijeet V. Mulik Vs. The District Collector, Kolhapur, dated 18<sup>th</sup> July, 2017)**. Mr. Kadam, the learned Advocate for the Applicant told me that the facts therein and the facts herein are exactly similar. Now, as a matter of fact, the only ground on which the request was turned down has already been set out hereinabove. I do not feel called upon to decide any other contentious issue and if need be, it is left open and the consequent right is there for the concerned party to agitate. In my opinion, this OA can be disposed of with a direction to the Respondents to consider, if in the present set of facts, decision could be made relying upon **Abhijeet Mulik** (supra). The concerned authority is hereby directed to carefully peruse the Judgment and then take a decision without getting committed one way or the other.

This OA is disposed of with a direction to the Respondents to decide the case of the Applicant under the guidance of **OA 1008/2016 (Shri Ahijeet V. Mulik Vs. The District Collector, Kolhapur, dated 18<sup>th</sup> July, 2017)** and in order to facilitate the said Respondent to proceed in the matter in accordance herewith Exh. 'F', dated 20.1.2017 (Page 26 of the PB) stands quashed and set aside. Compliance within eight weeks from today and the Applicant be informed of its outcome within one week thereafter. The OA is allowed in these terms with no order as to costs.

DATE: 18/9/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~

(Vice-Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

<Vice-chairman>

Shri/Smr. M. B. Kadam

Advocate for the Applicant

Shri/Smr. Ms. H. G. Gohad

C.P.O./P.O. for the Respondents

Adj. To: O.A. is allowed.

TRUE COPY

*Amal*  
*22/9/2017*  
Asst. Registrar/Research Officer  
Maharashtra Administrative Tribunal  
Mumbai (skw)

*sdh*  
(R.B. Malik) 18.9.17  
Vice-Chairman  
18.09.2017