

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.898 OF 2016**

**DISTRICT : SOLAPUR**

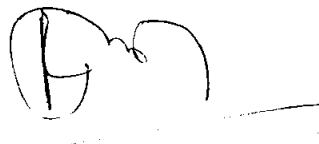
Smt. Manisha Ravindra Parande. )  
Age : 40 Yrs, Occu.: Housewife and )  
Residing at At & Post : Kundar, )  
Taluka Karmala, District : Solapur. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Water Works Department, )  
Mantralaya, Mumbai - 400 032. )
2. The Superintending Engineer. )  
Bhimakalwa mandal, Gurunanak )  
Nagar, District : Solapur. )
3. The Executive Engineer. )  
Ujani Hydro-electricity Division, )  
Indapur, District : Pune. )
4. The Chief Presenting Officer. )  
Maharashtra Administrative Tribunal )  
Mumbai. )...**Respondents**

**Mr. A.S. Tamhane, Advocate for Applicant.**

**Mr. N.K. Rajpurohit, Chief Presenting Officer for Respondents.**



**P.C. : R.B. MALIK (MEMBER-JUDICIAL)**

**DATE : 30.06.2017**

**JUDGMENT**

1. The daughter of a deceased Government employee hereby seeks appointment on compassionate ground and for re-inclusion of her name in the waiting list of such appointees though the word used is 'seniority list'.
2. I have perused the record and proceedings and heard Mr. A.S. Tamhane, the learned Advocate for the Applicant and Mr. N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.
3. The Applicant is widowed daughter of the deceased Government employee (to be hereinafter called the said deceased). The Applicant lost her husband on 4.11.2003 but in so far as the present matter is concerned, the unfortunate event was when she lost her father on 25.1.2006. Her father was in Group 'D' category. On 24.4.2006, the Applicant applied for appointment on compassionate ground. She was put up on waiting list at Serial No.9 (See Exh. 'A', Page 15 of the Paper Book (PB)). She was informed by the letter dated 17.9.2010 that she was ineligible for being appointed because she was a



married daughter. A GAD G.R. of 26<sup>th</sup> February, 2013 which is at Page 53 of the PB provided *inter-alia* that, if the claimant for compassionate appointment was a married lady then apart from other requirements, she had to submit an Affidavit that she would take care of the family of her father and there were consequences provided therein were she to fail to do so.

4. The issue, therefore, is as to whether the move of the Respondents impugned herein whereby the Applicant's name came to be deleted from the waiting list of compassionate appointees because she was the married daughter of the said deceased is legally supportable. It in fact, is clearly not.

5. I had an occasion to deal with this very aspect of the matter in **OA 860/2015 (Kum. Madhuri M. Vidhate Vs. The Superintending Engineer and one another, dated 24.3.2017)**. It was observed therein as to how by a GAD G.R. of 17<sup>th</sup> November, 2016 issued pursuant to an earlier Judgment of the 2<sup>nd</sup> Division Bench of this Tribunal in **OA 155/2012 (Kum. Sujata D. Nevase Vs. The Divisional Joint Director (Agriculture), Pune dated 21.7.2016)** which was carried to Hon'ble High Court by way of **Writ Petition No.1131/2016 (The State of Maharashtra Vs. Kum. Sujata D. Nevase)**, the GAD



issued another G.R. on 17<sup>th</sup> November, 2016 practically striking down the 2013 G.R. above referred to. It is, therefore, very clear that, no discrimination can be made against the married daughter of a deceased Government employee in the matter of appointment on compassionate ground, if she otherwise meets with all the requirements of the various G.Rs relevant in the field. I am, therefore, quite clearly of the opinion that the impugned order needs to be interfered with and is accordingly quashed and set aside and the concerned Respondents are directed to re-include the name of the Applicant at the same Serial Number which it was there at the time it was removed and to make it sure that, no prejudice is caused to the Applicant and she is considered to be continuously in the waiting list. On that footing, her case should be processed. The Original Application is allowed in these terms with no order as to costs.

Sd/-

**(R.B. Malik)**  
**Member-J**  
**30.06.2017**

30.6.17

Mumbai

Date : 30.06.2017

Dictation taken by :

S.K. Wamanse.