

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 103 OF 2022
(Subject:- Compassionate Appointment)**

DISTRICT:-AHMEDNAGAR

Tushar S/o Vijaykumar Veldandi)
Age- 30 Yrs, Occu: Nil,)
R/o : 42/43, Pappayya Galli,)
Chitale Road, Ahmednagar- 414001)
Mob. No. 9422607266) **APPLICANT**

V E R S U S

1. **The State of Maharashtra**)
Through, The Secretary,)
Agricultural and Fishery Department,)
Mantralaya, Mumbai - 32.)
2. **Divisional Assistant Director,**)
Agricultural Krushi Bhavan,)
Shivaji Nagar, Pune-411005.)
3. **Divisional Deputy Agricultural Officer)**)
Sangamner, Tq. Sangamer,)
Dist. Ahmednagar.)
4. **District Superintendent**)
Agri. Officer – Savedi Ahemdngar.) **RESPONDENTS**

APPEARANCE : Shri S.B. Kokde, learned counsel for
the applicant.
: Shri D.M. Hange, learned Presenting
Officer for the respondent authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

DATE : **19.03.2024.**

ORAL ORDER

Heard Shri S.B. Kakde, learned counsel for the applicant and Shri D.M. Hange, learned Presenting Officer for the respondent authorities at admission stage with consent.

2. The applicant is seeking compassionate appointment in place of his father on the ground that his father was found missing from Sangamner while on duty.

3. By impugned order (Exh. 'A') dated 23.09.2021, the respondent authorities have rejected the application submitted by the applicant for the sole reason that at the relevant time there was no provision to grant of compassionate appointment to the legal heirs of the missing employees.

4. In the affidavit in reply filed on behalf of respondent Nos. 1 to 4 in paragraph No. 10(B) it is stated as follows:-

“10(B) The order dated 23/09/2021 passed by Joint Director of Agriculture Pune is correct to the extent that there was no explicit clarification from the state regarding the acceptance of claim of compassionate appointment by heirship in case of

absconded employees till the date of passing order on 23/09/2021. As there were directives from the state government as per the letter O.N.1922/92/16A, 5 May 2022 by the administrative agriculture department regarding admissibility of claim of compassionate appointment by heirship if the legal heir submits within a year of declaration of death of absconded employee a duly filled application, the name of applicant has been included in the waiting list on the basis of which the appointment on compassionate basis is made by the competent authority.”

5. In terms of aforesaid reply, if the name of the applicant has been included in the waiting list on the basis of which the appointment on compassionate basis is made, it appears that in the light of the directives from the State Government as per the letter dated 05.05.2022, the respondent authorities have considered the claim of the applicant and accordingly taken his name in the waiting list maintained for grant of appointment on compassionate basis. Moreover, the applicant has also placed on record the copy of judgment and order passed by Civil Judge, S.D., Ahmednagar in R.C.S. No.453/2019 that the Civil Court has declared the Civil Death of father of the applicant namely Vijaykumar Laxmipati Veldandi.

6. In the background of this, the respondent authorities have accepted the claim of the applicant and accordingly enlisted his name in the waiting list maintained for the purpose of grant of appointment on compassionate ground to the applicant. In view of same, the impugned order dated 23.09.2021 passed by respondent authorities is liable to be quashed and set aside.

7. Learned Presenting Officer has brought to the notice of this Tribunal the communication received from the respondent No.3 dated Nil.02.2024 wherein it is stated that the applicant has submitted an application within prescribed period after declaration of the Civil Death of his father for appointment on compassionate ground on Class-IV post. It is further stated in the said communication that 20% of available vacancy in each year can be considered for the purpose of compassionate appointment. There is waiting list of 35 candidates at present and out of them, 31 candidates have been accommodated by giving them compassionate appointment. There are only three persons above the name of applicant and once they get an appointment on

compassionate ground, the name of the applicant will be considered.

8. In view of above communication which is placed on record as document 'X', the following order is passed:-

ORDER

- (A) The Original Application is hereby allowed.
- (B) The impugned order dated 23.09.2021 passed by respondent No.2 is hereby quashed and set aside.
- (C) The respondents are hereby directed to give appointment to the applicant on compassionate ground as Class-IV in place of his father as and when his turn will come in terms of said communication dated Nil.02.2024 (marked 'X' in the paper book).
- (D) In the circumstances there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad

Date : 19.03.2024

SAS O.A. 103/2022(S.B.)Compassionate Appointment