

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 583 OF 2015

DISTRICT: - OSMANABAD

Sambhaji S/o Shahaji Khaladkar

Age – 41 years, Occu : Nil,
R/at: Umbre Galli Osmanabad
Tal. & Dist. Osmanabad.

.. APPLICANT.

V E R S U S

1. The State of Maharashtra,
Through General Administration
Department, Mantralaya,
Mumbai.

2. The Collector,
Osmanabad, Collector Office
Compound, Osmanabad,
Dist. Osmanabad.

.. RESPONDENTS

APPEARANCE : Shri R.P. Bhumkar, learned Advocate
for the applicant.

: Shri N.U. Yadav, learned Presenting
Officer for the respondents.

CORAM : **JUSTICE M.T. JOSHI, VICE CHAIRMAN**

DATE : **14TH MARCH, 2018**

O R D E R

Shri R.P. Bhumkar, learned Advocate for the
applicant and Shri N.U. Yadav, learned Presenting Officer
for the respondents.

2. Heard both sides.
3. Learned Presenting Officer for the respondents submits that no reply to the amended original application is required. In the circumstances, the present Original Application is heard on its own merits.
4. By the present O.A. the applicant is seeking directions to respondent No. 2 to consider the claim of the applicant for appointment in Class IV cadre on compassionate ground in view of the order passed by the Hon'ble High Court in Writ Petition No. 3298/1996.
5. The facts of the present case is that the father of the present applicant was serving as a Class IV employee with respondent No. 2. On the strength of the Circular dated 14th April, 1981 (wrongly described as G.R.), the present applicant claimed selection to Class IV post with respondent No. 2. The Hon'ble High Court in Writ Petition No. 3294/1996 with Writ Petition No. 3298/1996, Annexure 'A-1', pagea-12, issued the following directions :-

***“We, therefore, direct the respondent No. 2
to consider the case of the petitioners for***

appointment for Class-IV post strictly as per the Government Resolution dated 14.4.1981. Both the Writ Petitions stand disposed of accordingly with no order as to costs.”

6. In view of those directions the respondent No. 2 issued a letter calling for interview on 20th March, 1999 (page-14). However, thereafter the applicant was not selected. In the circumstances, the applicant filed O.A. No. 537/2009, Annexure 'A-2', page-15. In paragraph No. 3 the following observations made by this Tribunal : -

“3. So far as 1999 recruitment is concerned we refer to para 8 in the reply affidavit filed on behalf of respondent No. 2 by Shri Shamakant Hanumantrao Jewaikar, Naib Tahsildar (Revenue), Collectorate, Osmanabad. It is evident that the recruitment was for filling in the backlog of reserved categories. There was backlog of 26 posts, whereas there were only 21 vacancies (in other words, five vacancies are occupied by open candidates although those are seats for reserved categories). Admittedly, call letter was

sent to the applicant but he could not be appointed since the drive was for filling in the backlog of reserved categories and applicant belongs to open category.

Hence, so far as grievance of the applicant that he was not appointed in the 1999 recruitment although a call letter was sent to him, that is not a sustainable argument. Hence, original application is disposed of.”

7. If one would go to the Circular dated 14th April, 1981 it would go to show that merely a concession was given to one of the sons of the employee from Class-IV cadre that he should be allowed to participate in the selection process though he is not enlisted with employment exchange at the relevant time, but who has later on made application to the employment exchange for addition of his name.

8. In that view of the matter, the decision of this Tribunal in O.A. No. 537/2009 is a speaking order, wherein this Tribunal has expressly refuted the claim of

the present applicant, in view of the fact that the present applicant was called in the recruitment process.

9. Learned Advocate for the applicant repeatedly adverted the attention of the present Tribunal to the appointment issued to the candidates, who were waiting for appointment on compassionate ground. The said list however, is irrelevant as we are not dealing with any appointment on compassionate ground, but ground of concession to certain candidates though their names may not have been recommended by the employment exchange. In that view of the matter, nothing survives in the present Original Application and the same is dismissed without any order as to costs.

VICE CHAIRMAN

PLACE : AURANGABAD.

Date : 14TH MARCH, 2018

O.A.NO. 583-2015 – compassionate appointment