

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.316/2021

DISTRICT:- HINGOLI

Manikarani d/o. Nagorao Rankhamb
@ Monikarani w/o Sandip Kanke,
Age : 27 years, Occ : Nil,
R/o. Near Police Station, Aundha (Nag),
Dist. Hingoli.

..APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
- 2) The Special Inspector General,
Nanded Range, Nanded, Dist. Nanded.
- 3) The Superintendent of Police,
Hingoli, Dist. Hingoli.

..RESPONDENTS

APPEARANCE : Shri Hanumant P. Jadhav, Advocate
for Applicant.

: Shri S.K.Shirse, Presenting Officer
for respondents.

**CORAM : HON'BLE SHRI JUSTICE P.R.BORA,
VICE CHAIRMAN**

DECIDED ON : 23-01-2023

ORAL ORDER

Heard Shri Hanumant P. Jadhav, learned
Counsel for the applicant and Shri S.K.Shirse, learned
Presenting Officer for the respondents.

2. Today, learned P.O. has tendered affidavit in reply on behalf of respondent nos.2 and 3. Copy is given to the learned Counsel for the applicant. With consent of the learned Counsel for the applicant reply is taken on record.

3. Grievance of the applicant in the present O.A. is that, though she is entitled to be appointed on compassionate ground on Class-III post, she has been given appointment on Class-IV i.e. on the post of Safaigar. Learned Counsel submitted that the applicant is having educational qualification for appointment on Class-III post. Learned Counsel submitted that there are vacant posts in Class-III category on which the applicant could have been appointed. Respondents have countered the submissions of the applicant stating that for appointment on compassionate ground posts of Class-III are not vacant.

4. In so far as the provisions with regard to appointment on compassionate ground are concerned, there cannot be a dispute that if an incumbent holds qualification commensurate with the post, appointment can be given on the suitable post i.e. Class-III or Class-IV, as the case may be. However, certain other provisions are

there which are also to be taken into consideration for giving appointment to such person. Common waiting list is maintained at the office of Collectorate of the district whereas separate lists are also allowed to be maintained separately at departmental level. The departments of the Government are independently allowed to make appointments on compassionate ground of the candidates from waiting lists maintained at their departments. The only obligation after making such appointment is that the said information is to be immediately furnished to the Collector of the District with a request to delete the name of such candidate from the common waiting list maintained at the Collectorate.

5. It seems to be the contention of the applicant that persons who were below the applicant in seniority list are given appointment. It has been pointed out by the learned P.O. that such appointments are made on the post of Police Constable and since the applicant is not qualified for being appointed on the post of Police Constable, she has not been considered for such appointment. Learned P.O. further submitted that, presently, in the clerical cadre, there are no vacancies. The applicant has disputed the

said submission, however, she is unable to put forth any concrete evidence in that regard. Moreover, it may not be possible to carry out the scrutiny of the said facts in the present O.A. It, however, appears to me that the present O.A. can be disposed of with the following order:

O R D E R

[i] The applicant shall file a detailed representation with the respondents within 4 weeks from the date of this order providing all particulars therein necessary for her appointment on the post of Clerk.

[ii] If such a representation is submitted, respondents shall decide the same on merits within 8 weeks thereafter.

[iii] O.A. stands disposed of accordingly. There shall be no order as to costs.

VICE CHAIRMAN

Place : Aurangabad

Date : 23.01.2023.