

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 927/2022 (S.B.)

- 1) Mamta Wd/o Pankaj Gomekar,
Aged about 34 years, Occu.: Service,
- 2) Mahesh S/o Vishwanath Gomekar,
Aged yrs. Occ.: Private, Both
r/o Plot No.37, Block C,
Ramna Maroti Road,
Gadge Nagar, Near Jyoti School,
Hanuman Nagar, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
Through Principal Secretary,
Home Department,
Mantralaya, Mumbai - 32.
- 2) The Collector Tah. : & Dist. Nagpur,
- 3) Superintendent of Police (Rural),
Tah. & Dist. : Nagpur.

Respondents

Ms.N.S.Pathan, Id. Counsel for the applicant.

Shri V.A.Kulkarni, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 23.11.2023.

JUDGEMENT

Heard Ms.N.S.Pathan, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the Respondents.

2. Case of the applicant in short is as under-

The applicant no.1 works with the Police Department as a Police Constable and applicant no.2 is working on the daily wages basis. The applicant no.1 is the wife of deceased employee Pankaj Gomekar and the applicant no.2 is the dependent brother of deceased Pankaj Gomekar. After the death of Pankaj Gomekar his wife had sent an application for appointment on compassionate ground. She has prayed to appoint applicant no.2 on compassionate ground after the death of her husband. The respondents have informed by letter dated 11.05.2022 stating that as per the G.R. dated 21.09.2017 the applicant no.2, who is brother of deceased is not eligible / entitled to get appointment on compassionate ground. Therefore, the applicants have filed the present O.A. for the following reliefs -

1) quash and set aside the impugned order dated 11.05.2022 issued by the respondent no.3 thereby rejecting the proposal of the applicants for grant of compassionate appointment to applicant No.2;

2) allow this original application and direct the respondent authorities particularly the respondent

***No.3, to grant compassionate appointment to applicant
No.2 on the post suitable to his qualification;***

3. The O.A. is strongly opposed by the respondents. It is submitted that the G.R. dated 21.09.2017 is very clear. As per the G.R., the applicant no.2 cannot be appointed on compassionate ground.

4. During the course of submission, learned counsel for the applicant submits that applicant no.2 is the dependent of deceased Pankaj Gomekar and, therefore, he is entitled to get employment on compassionate ground.

5. The learned P.O. submits that wife of deceased is working in the Police department. The applicant is the brother of deceased. As per the G.R. dated 21.09.2017, the brother of deceased cannot get the employment.

6. Material portion of the G.R. dated 21.09.2017 is reproduced below-

(४) अनुकंपा नियुक्तीसाठी पात्र कुटुंबिय:-

(अ) अनुकंपा तत्वावरील नियुक्तीसाठी खालील नमूद केलेले नातेवाईक पात्र राहतील व त्यापैकी एका पात्र नातेवाईकास नियुक्ती अनुज्ञेय राहिल.

(१) पती/पत्नी,

(२) मुलगा/मुलगी (अविवाहित/विवाहित), मृत्यूपूर्वी

कायदेशीररित्या दत्तक घेतलेला मुलगा/मुलगी

(अविवाहित/विवाहित).

- (३) दिवंगत शासकीय कर्मचा-याचा मुलगा हयात नसेल किंवा तो नियुक्तीसाठी पात्र नसेल तर त्याची सून
- (४) घटस्फोटित मुलगी किंवा बहीण, परित्यक्ता मुलगी किंवा बहीण, विधवा मुलगी किंवा बहीण,
- (५) केवळ दिवंगत अविवाहीत शासकीय कर्मचा-यांच्या बाबतीत त्याच्यावर सर्वस्वी अवलंबून असणारा भाऊ किंवा बहीण (शासन निर्णय, दि. २६.१०.१९९४ व दि. १७.११.२०१६).

7. As per the G.R. dated 21.09.2017, husband/wife, son/daughter (unmarried), daughter in law, divorced daughter/sister, widow daughter or sister are eligible for appointment on compassionate ground. There is nothing in the G.R. to show that the brother of deceased can be appointed on compassionate ground. The applicant no.2 is the brother of deceased. The wife of deceased i.e. the applicant no.1 is already in service in the Police Department. The applicant no.2 is not eligible for appointment on compassionate ground. Therefore, it was rightly informed by letter dated 11.05.2022. Hence, the following order.

ORDER

The O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated :- 23/11/2023.
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 23/11/2023.
and pronounced on