

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 105/2021(S.B.)

1. Smt. Pratima wd/o Late Prabhakar
Daradmare, aged about 52 years,
Occ. Household.
2. Mayur s/o Late Prabhakar
Daradmare, Aged about 25 years,
Occ. Student.

Both R/o Delanwadi,
Near Hanuman Mandir,
Tah. Brahmapuri,
District – Chandrapur.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Agriculture,
Mantralaya, Mumbai -32.
2. Director of Agriculture
Maharashtra State,
Office Commissionerate of
Agriculture, Shivaji Nagar
Pune - 411005.
3. Divisional Joint Director of
Agriculture Maharashtra State,
Office Administrative Building
No.2, Civil Lines, Nagpur.

4. District Superintendent Agriculture
Officer, Chandrapur,
Tah. and District Chandrapur.
5. District Collector,
Chandrapur, Dist. Chandrapur.

Respondents

Shri A.K.Waghmare, Ld. counsel for the applicant.
Shri V.A.Kulkarni, Ld. P.O. for the respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated :- 5th December 2022.

JUDGMENT

Heard Shri A.K.Waghmare, learned counsel for the applicant
and Shri V.A.Kulkarni, learned P.O. for the Respondents.

3. The applicant approached to this Tribunal for direction to the
respondent to appoint the applicant no.2 on compassionate
ground. The case of the applicant in short is as under-

The father of the applicant no.2 and the husband of applicant no.1
was working on the post of Agricultural Assistant. He died during
the course of his employment on 29.04.2004. On 23.06.2004 his
wife i.e. the applicant no.1 applied for appointment on
compassionate ground. The applicant no.2 was minor at that time.

On 15.06.2006 the respondent no.5 has requested respondent

no.4 to include the name of applicant no.1 firstly in the department list and thereafter, sent the name in prescribed proforma. The respondents 3 and 4 have not proceeded the claim of applicant till 2006.

4. As per communication dated 23.07.2008 the applicant no.1 was informed that she has crossed the age of 40 years and therefore her name was deleted from the waiting seniority list. Therefore, on 29.08.2008 the applicant no.1 applied for substitution of the name of applicant no.2 in place of her name and provide the appointment on compassionate ground. That time applicant no.2 was minor aged about 13 years and thereafter several representations were made. The applicant no.1 requested the respondents to provide the service to applicant no.2 on compassionate ground. The Collector, Chandrapur directed the District Agricultural Officer, Chandrapur on 23.05.2014 to provide service as per the Rules. But the respondent no.4 not complied the same. Therefore, the applicant approached to this Tribunal for direction to the respondents to appoint the applicant no.2 on compassionate ground.

5. The O.A. is strongly opposed by the respondents. As per the submission the applicant no.2 is not entitled for substitution and therefore his claim was not considered.
6. Heard Advocate Shri A.K.Waghmare, learned counsel for the applicant. He has pointed out material documents and submitted that respondents be directed to appoint the applicant no.2 on compassionate ground.
7. Heard P.O. Shri V.A.Kulkarni, he has submitted that the applicant, the applicant no.2 not applied for substitution of his name. Therefore, his name was not considered.
8. Applicant's husband died in the year 2004 immediately thereafter applicant no.1 applied for appointment on compassionate ground. Till 2008 no any appointment was provided to the applicant no.1 and on 23.07.2008 it was informed to her that she has crossed the age of 40 years. Therefore, appointment on compassionate ground cannot be provided. Immediately thereafter, the applicant no.1 applied for substitution of the name of applicant no.2 as per the representation dated 29.08.2008. Thereafter, the applicant no.1 made several representations. The Collector, Chandrapur as per letter dated 23.05.2013 directed the respondent no.4 to provide the service on compassionate ground. Joint Director i.e.

respondent no.3 also directed the respondent no.4 to provide the appointment on compassionate ground but nothing was done by the respondent no.4.

9. The applicant no.2 is son of deceased employee now he is major his mother i.e. the applicant no.1 already applied for substitution of his name but the respondent no.4 not taken any action even though he was directed by the Collector and Joint Director of Agricultural Department. The applicant no.2 is entitled for appointment on compassionate ground. Hence, the following order.

ORDER

1. The O.A. is allowed.
2. The respondent no.4 is directed to substitute the name of applicant no.2 in place of the name of applicant no.1 in the waiting seniority list maintained for the purpose of compassionate appointment and provide the employment on compassionate ground to applicant no.2 within a period of three months from the date of receipt of this order.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 05/12/2022

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 ViceChairman.
Judgment signed on : 05/12/2022.
Uploaded on : 15/12/2022.