

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.243/2017. (S.B.)

Sangita d/o Shankar Bagmare,
Aged about 24 years,
Occ. Labour,
R/o Nayanpur, Tq. Desaiganj,
Distt. Gadchiroli.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Principal Secretary,
Forest Department, Mantralaya,
Mumbai-32.
2. The Collector,
Gadchiroli.
3. Chief Forest Conservator Officer,
(Chief Conservator of Forests),
Distt. Gadchiroli.
4. Forest Conservator Officer,
(Conservator of Forests),
Chandrapur.
5. Dy. Forest Conservator Officer,
(Dy. Conservator of Forests),
Desaiganj, Distt. Gadchiroli.

Respondents.

**Miss Nazia Pathan, Ld. Advocate for the applicant.
Shri M.I. Khan, Ld. P.O. for the respondents.**

Coram:- Shri J.D. Kulkarni, Vice-Chairman (Judicial)

Date : 13th April 2018.

Oral order

Heard Miss Nazia Pathan, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. At the request of the learned P.O., matter is separated from other matters as directed by order dated 13.3.2018 and it has been decided to hear it on merits.

3. From the admitted facts on record, it seems that the applicant's father was appointed as Forest Labour and he died in harness on 20.3.2002. After his death, the applicant's mother i.e. widow of deceased Govt. employee filed an application for appointment on compassionate ground and her name was also on the wait list. Admittedly, her name was, however, deleted from the wait list on the ground that, she has crossed the age of 40 years. A letter was received by the applicant's mother regarding deletion of her name on 8.2.2010 and, therefore, on 22.2.2010, she applied for substitution of her daughter's name i.e. the applicant in her place from the wait list. A proposal was accordingly submitted to the competent authority and sanction was sought for substituting

the name of the applicant in place of her mother. However, nothing has been done and, therefore, the applicant was constrained to file this O.A.

4. The learned P.O. submitted that there is no provision for substitution of the name and secondly the applicant has attained the age of majority, but did not file an application within one year from the date of attaining majority and, therefore, her application cannot be considered. It is also the case of the respondents that, in para No.2 of the G.R. dated 3.3.2010, the Govt. Of Maharashtra re-organized Chandrapur North and Chandrapur South Circles as Chandrapur and Gadchiroli Forest Circles and in the said re-organization, Wadsa Forest Division is included in Gadchiroli Forest Circle. Hence, record of relevant duties and activities stood transferred to Gadchiroli Forest Circle *ipso facto*. Therefore, it is required that the case of the applicant shall be considered by Wadsa Forest Division.

5. From the arguments putforth by the respective counsels, it seems that it is an admitted fact that the mother of the applicant was on the wait list, but her name was removed on attaining the age of 40 years and this fact was brought to the notice of the applicant's mother. She requested for substitution of

her daughter's name in her place. It was also recommended to the competent authority. The date of birth of the applicant is 26.11.1990 and she has also independently applied for appointment on compassionate ground on 15.11.2010, i.e., after attaining the age of majority, after more than one year after attaining majority, There is a circular issued by the Govt. in this regard that in peculiar circumstances, this limit of application of one year from the date of attaining majority can be further extended to two years. In my opinion, the applicant's mother came to know about the deletion of her name on 8.2.2010 and at that time only, she came to know about the deletion of the name and thereafter she immediately applied for substituting the name, it was also under consideration. Considering all these aspects, I am of the opinion that this is a fit case where application for compassionate appointment submitted by the applicant can be considered on its own merits by the competent authority.

6. The learned counsel for the applicant and the learned P.O. submit that the competent authority to take a decision on the application of the applicant for grant of appointment on compassionate ground and the said competent authority is

respondent No. 5 and, therefore, said authority be directed to take action.

7. The learned P.O. submitted that the applicant's father died in 2002 and the applicant is being moved at a late stage and there may not be situation as it was in 2002. However, this aspect can be considered by the competent authority while considering the application for appointment on compassionate ground. In view thereof, I pass the following order:-

ORDER

- (i) The O.A. is partly allowed.
- (ii) The respondent No.5 is directed to consider the application filed by the applicant for grant of appointment on compassionate ground on its own merits and shall take a decision thereon within three months from the date of this order.
- (iii) No order as to costs.

(J.D.Kulkarni)
Vice-Chairman (J)
13.4.2018.