

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 278/2021(S.B.)

1. Sachin Dnyaneshwarao Nikose,
Aged about 33 years
R/o. Sanket Colony Near
Mimaxi Colony, Amravati.
2. Niranjan Dnyaneshwarao Nikose
Aged about 38 years,
R/o. Sanket Colony Near
Mimaxi Colony, Amravati.

Applicants.

Versus

1. The State of Maharashtra,
through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai -32.
2. The Chief Conservator of Forest,
(Territorial), Amravati,
Circle Amravati.
3. The Dy. Conservator of Forest,
Amravati.

Respondents

Shri G.K.Bhusari, Ld. counsel for the applicants.
Shri H.K.Pande, Ld. P.O. for the respondents.

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

Dated: - 16th December 2022.

JUDGMENT

Heard Shri G.K.Bhusari, learned counsel for the applicants and
Shri H.K.Pande, learned P.O. for the Respondents.

3. The case of the applicants in short is as under-

The mother of the applicants was working as a Vanmazoor on the establishment of respondents. She died on 24.05.2015. After her death, the applicant no.2 applied for appointment on compassionate ground. His name was recorded in the waiting seniority list, but the respondents have not provided any employment for about 10 years. Therefore, the applicant no.2 applied for substitution of the name of applicant no.1 in place of his name. The name of applicant no.1 was not substituted in place of applicant no.2 on the ground that there is restrictions in the G.R. dated 20.05.2015. Hence, the applicants approached to this Tribunal for direction to the respondents to substitute the name of applicant no.1 in place of the name of applicant no.2.

4. The O.A. is strongly opposed by the respondents. It is submitted that as per the G.R. dated 20.05.2015 substitution is not permitted

during the lifetime of the dependent whose name is recorded in the waiting seniority list.

5. Heard Shri G.K.Bhusari, learned counsel for the applicants. He has pointed out the Judgment of this Tribunal in O.A.No.275/2021. The learned counsel for the applicants has pointed out the Judgment of Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Dnyaneshwar S/o Ramkishan Musane Vs. State of Maharashtra & Others.**
6. The learned counsel for the applicants has submitted that substitution is permissible. Hence, he prayed to allow the O.A. with specific direction to the respondents.
7. Heard Shri H.K.Pande, learned P.O. for the respondents. He has pointed out the G.R. dated 20.05.2015 and submitted that substitution is not permissible during the lifetime of applicant no.2 because his name is already recorded in the waiting seniority list.
8. Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Dnyaneshwar S/o Ramkishan Musane Vs. State of Maharashtra & Others** has specifically held that the restrictions imposed by the Government in the G.R. 20.05.2015 for not substituting the name of other dependents is unreasonable and therefore, directed

the Government to delete the same. In view of the Judgment of Hon'ble Bombay High Court in the case of *Dnyaneshwar S/o Ramkishan Musane Vs. State of Maharashtra & Others* the following order is passed.

ORDER

- 1) The O.A. is allowed.
- 2) The respondents are directed to substitute the name of applicant no.1 in place of the name of applicant no.2 in the same serial number in the same seniority list in which the name of applicant no.2, was recorded and provide the employment, as per Rule.
- 3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 16/12/2022

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 Vice Chairman.
Judgment signed on : 16/12/2022.
Uploaded on : 22/12/2022.