

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 695 of 2020 (S.B.)**

- 1) Smt Chaya Wd/o. Anil Gayakwad,
Aged about 47 years, Occ.: Nil,
R/o. Nagsen Nagar, Paratwada,
Tq. Achalpur, Dist. Amravati,
- 2) Kunal s/o. Anil Gayakwad,
Aged about 24 years, Occ.: Nil,
R/o. Nagsen Nagar, Paratwada,
Tq. Achalpur, Dist. Amravati.

Applicants.**Versus**

- 1) State of Maharashtra,
through Principal Secretary,
Department of Health, Mantralaya, Mumbai.
- 2) Director Department of Health (Leprosy), Pune-01.
- 3) The Deputy Director, Department of Health, Akola Circle, Akola.
- 4) The Collector, Amravati.
- 5) Health Officer, Zilha Parishad, Amravati.

Respondents.

**S/Shri M.P. Kariya, P. Lakhani, J. Kuhite, Advs. for the applicants.
Shri A.P. Potnis, learned P.O. for respondents.**

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

Dated :- 03/10/2023.

J U D G M E N T

Heard Shri M.P. Kariya, learned counsel for the applicants
and Shri A.P. Potnis, learned P.O. for the respondents.

2. The case of the applicants in short is as under –
3. The husband of applicant no.1 and father of applicant no.2 died on 29/08/2007. He was employee of the respondents at the time of death.
4. The applicant no.1, i.e., the wife of deceased applied for appointment on compassionate ground on 06/02/2008. On 06/07/2013, the applicant no.1 made representation to the respondents requesting to appoint the applicant no.2 in her place.
5. The name of applicant no.1 was entered in the waiting seniority list. She prayed to substitute the name of applicant no.2 in her place. Respondents have not decided the same. Hence, the applicants approached to this Tribunal for direction to the respondents to substitute the name of applicant no.2 in the waiting seniority list for appointment on compassionate ground.
6. The O.A. is strongly opposed by respondent no.3. It is submitted that as per the G.R. dated 20/05/2015 and new G.R. dated 21/09/2017, the substitution is not provided. Hence, the application of applicants is rejected.
7. During the course of submission, the learned counsel for applicants has pointed out the Judgment of this Tribunal in

O.A.No.591/2020, decided on 28/08/2023 and submitted that this O.A. is covered by this Judgment. The copy of the Judgment is taken on record. He has also pointed out the Judgment of this Tribunal in O.A.217/2022, decided on 18/11/2022.

8. During the course of submission, the learned counsel for applicants has filed the copy of order dated 20/06/2017. It is taken on record and marked Exh-X for identification. By this order, the name of applicant no.1 was deleted on the ground that she has completed age of 45 years and as per the G.R. of 2017, her name is deleted from the waiting seniority list for appointment on compassionate ground.

9. The learned counsel for applicants has pointed out several applications made by applicant no.1 for entering the name of applicant no.2 in the waiting seniority list for appointment on compassionate ground.

10. The respondents have not provided any employment to applicant no.1 and not entered the name of applicant no.2 in the waiting seniority list for appointment on compassionate ground. Nothing is informed to the applicants as to why the representations / applications of applicant nos.1 and 2 are not considered. Hence, the following order –

ORDER

(i) The O.A. is partly allowed.

(ii) The respondents are directed to enter the name of applicant no.2 in the waiting seniority list for appointment on compassionate ground within a period of three months from the date of receipt of this order.

(iii) No order as to costs.

Dated :- 03/10/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/10/2023.