

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1234 OF 2023**

**DISTRICT : MUMBAI**

Kum. Kimaya Vinod Chavan, )  
Age 24 years, R/at B.D.D. Chawl No.93, Room No.50, )  
Vikrikar Marg, Worli, Mumbai 400018 )..Applicant

Versus

1. The Director General of Police, MS, )  
Shahid Bhagatsingh marg, Colaba, Mumbai-5 )
2. The Commissioner of Police, )  
D.N. Road, Crawford Market, Mumbai 400001 )
3. The Additional Chief Secretary, )  
Home Department, Mantralaya, Mumbai )..Respondents

Shri U.V. Bhosle – Advocate for the Applicant

Shri A.J. Chougule– Presenting Officer for the Respondents

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 11<sup>th</sup> December, 2023

PRONOUNCED ON: 14<sup>th</sup> December, 2023

**J U D G M E N T**

1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant seeks directions for appointment on Group-C post on compassionate grounds.

3. The applicant's father who was working as Police Havaldar expired on 11.3.2019. The applicant, who is his only child seeks appointment on compassionate ground on a Group-C post. Ld. Advocate for the applicant challenges impugned order dated 12.4.2023 whereby it was stated that the applicant was required to furnish an undertaking that she will look after her grandmother i.e. mother of the deceased father as well as a NOC from the grandmother and her ration card. Ld. Advocate for the applicant points out that there is no provision in GAD GR dated 21.9.2017 regarding submission of NOC of grandmother and also there is no provision of submitting undertaking by the person seeking employment on compassionate ground that he/she will take care of the mother of the deceased employee. As per para 4 of the said GR dated 21.9.2017 the mother of the deceased employee is not included in the relative eligible for compassionate appointment on the death of the employee.

4. Ld. Advocate for the applicant further states that applicant's grandmother had challenged the succession certificate issued to the applicant by the Civil Court, Dahiwadi dated 26.4.2022 vide W.P. No.12667/2022 in the Hon'ble High Court but the same was disposed off as withdrawn vide order dated 23.3.3023. The applicant further states that her grandmother has till date received an amount of Rs.5,00,000/- (Rupees five lakhs) from her deceased father's retirement dues. The

applicant states that grandmother is trying to harass her. Ld. Advocate points out that grandmother has other 3 children i.e. 2 sons and 1 daughter and all of them are working in the Government and are well placed. He therefore prays that the impugned communication dated 12.4.2023 issued by respondent no.2 be quashed and set aside.

5. Per contra, Ld. PO fairly concedes that grandmother is not mentioned in the GR dated 21.9.2017 for compassionate appointment.

6. Considered submissions of both the sides. The main issue in this matter is whether in the GR dated 21.9.2017 there is provision of submitting undertaking by the person seeking employment on compassionate ground that he/she will take care of the mother of the deceased employee. A careful perusal of the said GR reveals that mother of the deceased employee is not included in the relatives eligible for compassionate appointment on the death of the employee. Moreover, it is seen that applicant's grandmother has already received an amount of rupees five lakhs from her deceased father's retirement dues. Another important factor is that the grandmother has 3 other children who are working in the Government and able to look after the grandmother.

7. Considering the legal position as laid down in the GR dated 21.9.2017 and other factors, I pass the following order:

### **ORDER**

(A) The Original Application is allowed and the impugned order dated 12.4.2023 is quashed and set aside.

(B) The respondents are directed to put the applicant on waiting list for appointment on compassionate grounds within a period of 4 weeks from

today and communicate the applicant within one week. No order as to costs.

**Sd/-  
(Medha Gadgil)  
Member (A)  
14.12.2023**

Dictation taken by: S.G. Jawalkar.

G:\JAWALKAR\Judgements\2023\12 December 2023\OA.1234.23.J.12.2023-KVChavan-Compassionate Appointment.doc