

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.1271 OF 2023

DISTRICT : PUNE

Smt. Ranjana Mahesh Alhat,)
R/at Talegaon Dhamdhere, Bazaar Maidan,)
Taluka Shirur, Pune 412 210)..Applicant

Versus

1. State of Maharashtra,)
Through Principal Secretary,)
Revenue Department, Mantralaya, Mumbai)
2. Deputy Director of Land Records,)
1st Floor, New Administrative Building,)
Room No.105, Opp. Vidhan Bhavan, Pune-1)
3. Deputy Superintendent of Land Record,)
New Administrative Building, Baramati Road,)
Indapur, Pune 413106)
4. District Collector, Collector Office, Pune-1)..Respondents

Shri P.M. Bhome – Advocate for the Applicant

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

CORAM : Smt. Medha Gadgil, Member (A)

RESERVED ON : 11th January, 2024

PRONOUNCED ON: 19th January, 2024

J U D G M E N T

1. Heard Shri P.M. Bhome, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant prays for appointment on compassionate ground in place of her deceased husband who was working as Peon in the office of Land Records, Indapur, Pune. The husband of the applicant expired on 30.8.2013 leaving behind applicant and two children. The applicant applied for compassionate appointment on 20.12.2013. The applicant was issued heirship certificate on 15.10.2019. The applicant requested for appointment urgently through letter dated 28.11.2022 as she was due to cross the age limit of 45 years on 14.1.2024.

3. Ld. Advocate for the applicant relied on the judgment of the Hon'ble Supreme Court in **Sushma Gosain & Ors. Vs. Union of India**, Civil Appeal No.3642 of 1989 decided on 25.8.1989 wherein it is observed that in all claims of appointment on compassionate ground there should not be delay in appointment. The applicant therefore prays that applicant should be appointed to the post of Peon in the office of respondent within one month from the date of the order.

4. Ld. PO while refuting contentions of the Ld. Advocate for the applicant points out that name of the applicant has been added in the waiting list at Sr. No.81. He relies on the affidavit in reply dated 1.12.2023 filed by Ravindra N. Pise, Dy. Superintendent of Land Records, Indapur, Pune and states that name of the applicant was entered in the waiting list at Sr. No.21 on 5.7.2022. He pointed out that there is no statutory provision for appointment on compassionate ground merely because the applicant is reaching the age limit of 45 years on 14.1.2024. He further pointed out that applicant's husband passed away on

30.8.2013 and as there was heirship issue the applicant filed CMA No.1507/2017. After receiving the heirship certificate the applicant made an application for appointment vide application dated 21.6.2021. Thus, there is delay of almost 7 years and 9 months which was caused by late submission of necessary documents required for employment on compassionate ground by the applicant. He further pointed out that if application of the applicant is considered out of turn there will be grave injustice to the other candidates who are in the waiting list prior to the applicant.

5. I have considered submissions made by both the sides. I rely on the judgment of the Hon'ble Supreme Court in **State of H.P. Vs. Parkash Chand (2019) 4 SCC 285** wherein it was held that a direction by a High Court to consider cases for compassionate appointment other than the terms of the policy is impermissible. It is an indisputable fact that compassionate appointment is to be given in order to mitigate the immediate financial distress caused to the family on account of sudden loss of the bread winner. In this case there was delay of 7 years and 9 months. In the light of the various GRs issued by the Government of Maharashtra the applicant is already in the waiting list. If she is given appointment out of turn it will create an anomalous situation and will be injustice to the candidates who are before her in the waiting list.

6. In view of facts and circumstances of the case I do not see any reason to grant any relief to the applicant. Hence, Original Application is dismissed. No order as to costs.

Sd/-
(Medha Gadgil)
Member (A)
19.1.2024

Dictation taken by: S.G. Jawalkar.