

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI**

**ORIGINAL APPLICATION NO.962 OF 2017**

**DISTRICT : NASHIK**

Shri Shekhar Bajirao Patil, )  
Age 25 years, Occ. Nil, R/o N/53/VG/4/8, )  
Swami Samarth Chowk, Patil Nagar, CIDCO, Nashik )..Applicant

Versus

1. The District Collector, Nashik, )  
Through Resident Deputy Collector, Nashik )
2. The State of Maharashtra, )  
Through Principal Secretary, )  
Revenue Department, Mantralaya, Mumbai-32 )..Respondents

Shri B.A. Bandiwadekar – Advocate for the Applicant

Shri S.D. Dole – Presenting Officer holding for

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

CORAM : Shri P.N. Dixit, Vice-Chairman (A)

DATE : 10<sup>th</sup> October, 2019

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

1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Shri S.D. Dole, learned Presenting Officer holding for Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The applicant is son of deceased government servant who expired on 22.9.2003. On 13.10.2003 wife of deceased government servant applied for compassionate appointment to meet the economic hardship. The applicant is born on 13.12.1991. On attaining majority he submitted an application on 2.2.2010 for compassionate appointment. As there was no reply to his representation, he submitted fresh application on 18.9.2017. In response to the same the respondent no.1 (Collector, Nashik) issued the impugned order on 29.9.2017 (Exhibit A page 15) rejecting the representation on following grounds:

(i) The name of applicant's mother was included in the waiting list after death of her husband.

(ii) As applicant's mother attained age of 45 on 1.6.2010, her name was deleted.

(iii) There is no provision for substituting name of the person who is deleted by anyone else from the family as per the GR.

3. The applicant has submitted that he is facing economic hardship and during hearing the applicant mentioned that today he is working as a casual labourer in the same office of respondent no.1. He further mentions that he has no other means to survive. The applicant has therefore prayed that the impugned order may be quashed and set aside and his name may be included in the waiting list for compassionate appointment.

4. Ld. Advocate for the applicant has relied on the judgment and order dated 31.1.2017 passed by this Tribunal in OA No.606 of 2016 Shri

Ashish Ramdas Kharat Vs. The State of Maharashtra & Ors. In similar circumstances, this Tribunal allowed the OA.

5. The respondent no.1 (Collector, Nashik) has filed his affidavit and submitted that as per GRs. dated 22.8.2005 (Exh. R-2 page 40-43) and 20.5.2015 (Exh.R-3 page 44-46) substituting name of son against name of his mother is not permissible. The respondent has therefore submitted that the representation made by the applicant has been rejected as per provisions of GRs mentioned in the impugned order.

6. As per settled legal position, in view of the peculiar situation, as observed in the following judgments by the Hon'ble Supreme Court and Hon'ble High Court, it would be appropriate in the interest of justice that name of the applicant should be considered for compassionate appointment to meet his economic hardships by placing same in the waiting list:

- (i) Smt. Sushma Gosain Vs. Union of India, AIR 1976 SC 1976.
- (ii) Vinodkumar K. Chavan Vs. State of Maharashtra & Ors., Writ Petition No.7793 of 2009 decided on 9.12.2009 by Hon'ble Bombay High Court.
- (iii) The Executive Engineer, PWD, Solapur & Ors. Vs. Jijabai Chaudhari, Writ Petition No.8915 of 2011 decided on 14.11.2011 by Hon'ble Bombay High Court.

7. In view of the foregoing, I pass the following order:

**ORDER**

- 1) The Original Application is allowed and impugned order dated 29.9.2017 is quashed and set aside.
- 2) The respondent no.1 is directed to consider name of the applicant for compassionate appointment and placing the same in the waiting list.
- 3) The action as mentioned above should be completed within a period of two months from today and outcome of the same be communicated to the applicant within two weeks thereafter.
- 4) No order as to costs.

**(P.N. Dixit)**  
**Vice-Chairman (A)**  
**10.10.2019**

Dictation taken by: S.G. Jawalkar.

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