

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 87 OF 2016**

**DISTRICT: JALNA**

Shri Rahul S/o Ashok Dabhade,  
Age: 24 years, Occu. : Nil,  
R/o Indraprasth Nagar,  
B & C Quarter, Jalna,  
Tq. & Dist. Jalna.

.. **APPLICANT**

**V E R S U S**

- 1) The State of Maharashtra,  
Through Secretary,  
P.W.D. Department,  
Mantralaya, Mumbai -400 032.
- 2) The Chief Engineer P.W.D.  
Aurangabad.
- 3) The Superintendent Engineer,  
Aurangabad.
- 4) The Executive Engineer,  
P.W.D. Division-2,  
Near Durga Mata Mandir,  
Jalna.
- 5) The Collector,  
Collector Office, Jalna.

.. **RESPONDENTS**

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APPEARANCE : Shri P.M. Shinde, learned Advocate for the  
Applicant.

: Shri S.K. Shirse, learned Presenting  
Officer for the Respondents.

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**CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)**

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**ORAL ORDER****(Delivered on this 1<sup>st</sup> day of March, 2017.)**

1. Heard Shri P.M. Shinde, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting officer for the respondents.

2. The applicant has sought direction of this Tribunal to direct the respondents to give appointment on compassionate ground on the post of Class III or Class IV post immediately on the ground that he is senior in the waiting list maintained by the respondents.

3. The respondent nos. 3 and 4 in their affidavit in reply have stated that the Collector, Jalna has maintained waiting list and initially the applicant stood at Sr. No. 23. Thereafter, he stood at Sr. No.16 in view of the notification dated 11.8.2014. They have contended that on the date of filing of the affidavit in reply, the applicant's name is at Sr. No. 8 and therefore, they could not accommodate the applicant, as there were no vacant posts in the Class III or Class IV post at that time.

4. Learned Advocate for the applicant submitted that the respondents have appointed the person, who has been below the

name of the applicant in the waiting list. But the applicant has not produced any documents in that regard to substantiate his contention. In the absence of the said documents, contention in that regard is not acceptable.

5. The learned Presenting Officer submitted that the respondents have filed their affidavit in reply and the position of the waiting list is that the applicant stand at Sr. No. 8 and there is no vacancy in Class III and Class IV post. However, he submitted that the concerned authority will considered the request of the applicant for appointment on compassionate ground as per the seniority maintained in the waiting list and he will get appointment accordingly as per his turn.

6. In view of the above submissions of the learned Presenting Officer, the O.A. stands disposed of with a direction to the concerned authority to give the appointment on compassionate ground to the applicant as per his turn. The concerned authority is also directed to strictly follow the seniority maintained in the waiting list. There shall be no order as to costs.

**(B.P. PATIL)**  
**MEMBER (J)**