

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 746/2022(S.B.)**

Sachin S/o Tryambakrao Rajurkar,
Aged 34 years, Occ. Service,
R/o Plot No.47, Shriram Nagar,
Near Mobile Tower,
Behind Nitin Gas Agency / Godown, Lohara,
Tq. Lohara, Dist. Yavatmal.

Applicant.

Versus

1. The State of Maharashtra,
Through Its Secretary,
Public Works Department,
Mantralaya, Mumbai-32.
2. The Superintendent of Engineer,
Public Works Circle,
Yavatmal.
3. The Assistant Superintendent of Engineer,
Public Works Circle,
Yavatmal.
4. The Collector, Yavatmal,
Collectorate office at
Yavatmal.

Respondents

Shri S.K.Bhattacharya holding for Shri N.S.Warulkar, Ld. Counsel for the applicant.

Shri V.A.Kulkarni, Ld. P.O. for the respondents.

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

Dated: - 05th March, 2024.

JUDGMENT

Heard Shri S.K.Bhattacharya holding for Shri N.S.Warulkar, learned counsel for the applicant and Shri V.A.Kulkarni, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

The father of applicant died on 15.11.2005 while he was in service with respondents 2 and 3. At the time of death of applicant's father the applicant was minor. As soon as he attained the age of majority i.e. 01.07.2006, he applied on 01.08.2006 for appointment on compassionate ground. Thereafter, name of applicant included in the waiting seniority list for appointment on compassionate ground.

3. The applicant was continuously persuading his claim for appointment on Class-III posts like Senior Clerk/Talathi since 2006 considering his qualification. In the meantime, the applicant came to be appointed as Junior Clerk by direct recruitment in the office of Superintendent of Police, Yavatmal, but he is not satisfied that post

and therefore, the applicant is claiming benefit for appointment on compassionate ground.

4. The respondents have passed impugned communication dated 22.04.2022 by which the applicant is informed that his name is removed from the waiting seniority list on the ground that he is already appointed in the Government service.

5. The O.A. is strongly opposed by the respondents. It is submitted that the name of applicant is removed from the waiting seniority list because he is already employed in the Government service. There is no any illegality by removing his name. Hence, the O.A. is liable to be dismissed.

6. As per the submission of Advocate Shri S.K.Bhattacharya, the applicant wants appointment on compassionate ground. He may resign from the existing post for getting new employment.

7. The learned P.O. has submitted that the applicant is already appointed in the Government service. Therefore, he cannot be appointed on compassionate ground.

8. There is no dispute that the applicant is appointed as Junior Clerk in the office of Superintendent of Police, Yavatmal. Therefore, he cannot claim that he should be appointed on compassionate ground. Scheme is for immediate employment after the death of employee. The employment is already provided by

the Government. Hence, the applicant cannot insist to be appointed as per the Scheme. Hence, the following order.

ORDER

The O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 05/03/2024.
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 05/03/2024.
Uploaded on : 05/03/2024.
