

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 930/2022(S.B.)**

Raj S/o Prafulla Ambhore,  
Aged about 19 years,  
Occupation: Education,  
R/o.June Shahar, Akola,  
Tah. and District Akola.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai - 32.
2. Special Inspector General of Police,  
Amravati Region, Amravati.
3. The Superintendent of Police,  
Akola, Distt. Akola.

**Respondents**

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Shri A.D.Girdekar, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 12<sup>th</sup> February, 2024.**

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## **JUDGMENT**

Heard Shri A.D.Girdekar, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

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

The applicant is son of deceased Praful Vasudeo Ambhore who was serving as Police Constable on the establishment of respondent no.3. Father of applicant expired on 10.06.2014 due to illness.

3. It is submitted that the marriage between the father and mother of applicant was inter-religion marriage as the father of applicant belongs to Buddhist community and the mother of applicant belongs to Muslim community. Family members of the father of applicant have not accepted their marriage and therefore they were residing separately. It is submitted that the applicant applied for appointment on compassionate ground after the death of his father. But without any enquiry, the respondents have rejected applicant's application on 22.07.2022. Therefore, the applicant has approached to this Tribunal for the following reliefs-

***(i) hold and declare that the applicant is duly eligible for grant of compassionate appointment;***

***(ii) quash and set aside the impugned communication dated 22.07.2022 issued by respondent no.3 - Superintendent of Police, Akola (Annexure-A7) and upon quashing the same direct the respondents to include the name of applicant in waiting list candidate of compassionate appointment;***

***(ii) grant any other relief, which this Hon'ble Tribunal deems fit and proper under the facts and circumstances of the case.***

4. The O.A. is strongly opposed by the respondents. It is submitted that the mother of applicant is already in service in Police Department. The applicant himself admitted in his application and therefore there was no necessity to make any further enquiry and order passed by the respondents is perfectly legal and correct. Hence, the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for the applicant has pointed out the G.R. dated 21.09.2017. He has pointed out Clause no.5 of the G.R. and submitted that without any enquiry as contemplated in this clause the respondents have rejected the applicant's application.

6. The learned P.O. has submitted that the mother of applicant herself applied for appointment of applicant on compassionate ground. She has stated in her application that she is in service as Police Constable. Therefore, it is clear that mother of

applicant is in service. Hence, the order passed by the respondents is perfectly legal and correct.

7. The Scheme floated by the Government for appointment on compassionate ground is to provide immediate appointment to the legal heirs of the deceased employee so that they shall not be distressed and their family shall not be thrown on street. The intension of the G.R. is to provide employment to anyone of the family members. It is not the intention of the G.R. to provide the employment to all other family members. The G.R. itself is very clear. Clause no.- 5 of the G.R. is reproduced below-

**(५) कुटुंबाची हलाखीची परिस्थिती**

(अ) अनुकंपा तत्वावर नियुक्तीकरिता मासिक उत्पन्नाची तसेच ठोक रकमेची मर्यादा यापुढे राहणार नाही. (शासन निर्णय, दि. २६.१०.१९९४)

(आ) अनुकंपा तत्वावर नियुक्ती देताना असे प्रस्ताव शासन सेवेतील रोजगारावर असलेली मर्यादा, या योजनेच्या मागील भूमिका लक्षात घेऊन जो कर्मचारी मृत झाला आहे त्याच्या कुटुंबियांना तात्काळ उदभवणा-या आर्थिक पेचप्रसंगावर मात करण्याच्या उद्देशाने विचारात घ्यावेत. (शासन निर्णय, दि. २६.१०.१९९४)

(इ) दिवंगत शासकीय कर्मचा-याचा नातेवाईक पूर्वीच सेवेत असेल तथापि तो त्याच्या कुटुंबातील अन्य सदस्यांना आधार देत नसेल तर अशा प्रकरणात त्या कुटुंबाची आर्थिक परिस्थिती हलाकीची आहे किंवा कसे हे ठरविताना नियुक्ती प्राधिका-यांनी अत्याधिक दक्षता घ्यावी, जेणेकरून

सेवेत असलेला सदस्य कुटुंबाचा उदरनिर्वाह करीत नाही या नांवाखाली अनुकंपा तत्वावरील नियुक्तीचा दुरुपयोग केला जाणार नाही.

यासंदर्भात नियुक्ती प्राधिका-याने मिळणा-या निवृत्तीवेतनाची रक्कम, कुटुंबातील व्यक्तीची संख्या, त्याची मालमत्ता/दायित्व, गंभीर आजारामुळे अथवा अपघातामुळे मृत झाला असल्यास त्यासाठी करण्यात आलेला वैद्यकीय खर्च, कुटुंबातील मिळवत्या व्यक्ती इत्यादी बाबी विचारात घेणे अपेक्षित आहे. (शासन निर्णय, दि. २६.१०.१९९४)

8. From the above cited G.R. of Clause no. -5, it is very clear that if anyone member of the employee of deceased is in service, then appointment on compassionate ground cannot be provided. The mother of applicant Farzana Shaikh applied for the applicant to appoint him on compassionate ground. In her application dated 28.06.2022, she has stated that her husband Praful Vasudeo Ambore died in 2014. Her son Raj Praful Ambore passed 12<sup>th</sup> Std. examination. She has prayed in the application that her son be provided employment on compassionate ground. In this application nowhere stated that she is residing separately from the applicant. The learned counsel for the applicant submitted that no any enquiry was made that the applicant is residing separately. This contention cannot be accepted because the mother of applicant namely Farzana Shaikh has stated in her application that her husband died in 2014

and therefore appointment on compassionate ground be provided to her son namely Raj Praful Ambore. If she was residing separately, then she could have definitely written in the application. Nothing is on record to show that the applicant was / is residing separate from his mother. Hence, the respondents have rightly decided that as per G.R. dated 21.09.2017, the applicant is not entitled for appointment on compassionate ground. Hence, the following order is passed-

**ORDER**

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated - 12/02/2024**  
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 : 12/02/2024.  
Uploaded on : 15/02/2024.

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