

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD

ORIGINAL APPLICATION NO.770/2018

DISTRICT: - NANDED

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Vishwajeet s/o. Vishwambhar Jondhale,  
Age : 21 years, Occu. : Student,  
R/o. Navin Itwara Bazar, Nanded  
Tq. & Dist. Nanded.

...APPLICANT

**VERSUS**

1) The State of Maharashtra,  
Through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32.

2) The Director General of Police,  
Maharashtra State, Mumbai-32.

3) The Superintendent of Police,  
Nanded, Tq. & Dist. Nanded.

...RESPONDENTS

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APPEARANCE : Shri V.P.Kadam, Advocate for applicant.  
Shri S.K.Shirse Presenting Officer for  
respondents.

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CORAM : Justice M.T.Joshi, Vice-Chairman

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DATE : 16<sup>th</sup> October, 2018  
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**ORAL ORDER**  
**(Delivered on 16<sup>th</sup> Day of October, 2018)**

1. Heard Shri V.P.Kadam learned Advocate for the  
applicant and Shri S.K.Shirse learned Presenting Officer for  
respondents.

2. By the present original application, the applicant is seeking following relief:

*"(B) To pass appropriate order in favour of present applicant to consider the claim and substitute the name of the mother and allowed to include the name of applicant instead of his mother and appoint applicant on compassionate ground forthwith.*

*(C) To quash and set aside the order dated 07.06.2016 passed by Resp. No.2 in file No. No. Police Maha.San/8/46-AF/Compassionate Jondhale/155/2013."*

3. Submissions from both sides and admitted facts would show that father of the present applicant Vishwambhar died in harness while he was serving as a Police Constable with the respondent no.3. After his death, his wife i.e. mother of the present applicant, namely, Smt. Sujata filed an application for her appointment on compassionate ground. Her name was kept on waiting list by the respondent no.3. Thereafter, the present applicant who was minor at that time had applied for substitution of his name with consent of the mother. Respondents, however, in view of the Government Resolution have communicated that there is no provision for substitution of

name in the waiting list for compassionate appointment. Therefore, the application was rejected. Copy of the said decision dated 07-06-2016 is at paper book page 24.

4. In the catena of cases including the O.A.No.382/2013 decided on 31-03-2017 by the Maharashtra Administrative Tribunal, Nagpur and by the Division Bench of Hon'ble Bombay High Court Bench at Aurangabad in Writ Petition No.5073/2007 decided on 17-12-2008 (Copy of both decisions is filed on record and marked as document "X" collectively for identification), it has been held that such substitution is permissible. In that view of the matter, O.A. will have to be allowed.

5. Accordingly, O.A. is allowed without any order as to costs. Concerned respondent is directed strike off name of the mother of the applicant from waiting list and to add name of the present applicant in the said list from the date of filing of application for substitution. O.A. stands disposed of accordingly.

**VICE-CHAIRMAN**