IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH
ORIGINAL APPLICATION No. of 2024

Mrs. Priti Sandi Salvi & ORs. ...Applicants

Versus

State of Maharashtra & Ors. ...Respondents

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NOTARY
Adv.
Shivaji N. Dhanage
Mumbai Maharashtra
Reg. No. 15376
GOVT OF INDIA

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A

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION No. of 2024

Mrs. Priti Sandi Salvi & Ors. ...Applicants

Versus

State of Maharashtra & Ors. ...Respondents

The Appellants are being aggrieved and dissatisfied by the order dated 12-12-2023 passed by Deputy Chief Ecxecutive Officer, Raigad Jihla Parishad, beg to approach this Hon'ble Authority by way of present Application against the said order.

SYNOPSIS

Sr. No.	Date	Events
1.	2-10-2020	Applicants No.1's husband died at pavel during his service period
2.	26-2-2021	Concerned department addressed a letter dated 26-02-2021, mentioning

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		therein that the period of the suspension from 26-6-2019 to 2-10-2020, will be considered as the period of service
3.	4-3-2021 & 5-6-2021	The Applicant states that in response to the said Letter dated 4-3-2021, the Deputy Chief Executive Officer addressed a letter dated 5-6-2021, mentioning therein that in the light of the Government Decision dated 21 of Sept. 2017, the family of the Applicant are not considered eligible for job on compassionate ground.
4.	17-8-2021 & 30-9-2021	Application dated 17-8-221 was turned down by the office of the Respondent No.2 by their letter dated 30-9-2022, on the ground that the Applicant is not eligible for the scheme as there were three children to the deceased
5.	27-6-2023 &	In response to the application dated 27-

	24-7-2023	6-2023, the Respondent No.2 addressed a letter dated 24-7-2023, rejecting the claim of the Applicant of the job on the pretext that the Applicant and Deceased had three sons, and therefore he is not eligible for the job on the compassionate ground
6.	Application dated 30-10-2023, 31-10-2023 & Reply dated 12-12-2023	the Respondent No.2 replied through their letter dated 12-12-2023, intimating therein that the Applicant is not eligible for the job on the compassionate ground as the said deceased had three sons at the time of death and after 2001.
7.	2-2-2024	The Applicants finally addressed a letter through her advocate but till date neither reply is received nor decision is communicated
8.		Hence the Present Original Application

D

QUESTIONS FOR CONSIDERATION

1. Whether the Respondents were correct in refusing the claim of the applicants and any interference is required of this Hon'ble Authority?

2. Whether the impugned order passed by the Respondents is legal and proper ?

ACTS REFERRED TO :

AUTHOTITIES :

At the time of hearing

POINTS TO BE URGED :

At the time of arguments

Advocate for Applicants

NOTARY
Adv.
GOVT OF INDIA

For Use in Tribunal's Office

Date of Filing
Date of Receipt by Post

Signature for Registrar

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION No. of 2024

IN THE BETWEEN

1. Mrs. Priti Sandip Salvi)
   Age about 52 years, Occupation – Housewife)
   Permanent Resident of Village – Muthwalli,)
   Post - Sav, Taluka - Mhad, Dist - Raigad,)
   Mob:- 9987189233
   Email:- adv.janardansyadav@gmail.com.

2. Mr. Prasenjeet Sandip Salvi)
   Age about 24 years, Occupation -)
   Permanent Resident of Village – Muthwalli,)
   Post - Sav, Taluka - Mhad, Dist - Raigad,)

NOTARY Adv. Shivaji N. Chanage Mumbai Maharashtra Reg. No. 15376 GOVT OF INDIA

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3. Mr. Saumit Sandip Salvi)
Age about 22 years, Occupation -)
Permanent Resident of Village – Muthwalli,)
Post - Sav, Taluka - Mhad, Dist - Raigad,)

4. Mr. Samadhan Sandip Salvi)
Age about 12 years, Occupation -)
Permanent Resident of Village – Muthwalli,)
Post - Sav, Taluka - Mhad, Dist - Raigad,)

...

Applicants

Versus

1. The Secretary)
General Administration Department)
THE STATE OF MAHARASHTRA)
Mantralaya, Mumbai)

2. The Deputy Executive Officer (Gram Panchayat),)
Raigad Jilha Parishad,)
Dist. Raigad, Maharashtra,)

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Respondents

AN APPLICATION MADE UNDER THE PROVISION OF MAHARASHTRA ADMINISTRATIVE TRIBUNALS ACT, 1985

THE APPLICANTS ABOVE NAMED MOST HUMBLY SUBMIT AS UNDER:-

Details of Application:-

(a) Particulars of the Applicant No. 1:-

(i) Mrs. Priti sandeep Salvi.

(ii) Name of Husband - Shri Sandeep Dharma Salvi.

(iii) Age of Applicant - 48 years.

(iv) Occupation - Housewife.

(v) Permanent Address - Village - Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad.

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(b) Particulars of Applicant No. 2:-

(i) Mr. Prasenjeet Sandip

(ii) Name of Father – Shri Sandeep Dharma Salvi.

(iii) Age of Applicant – ____ years.

(iv) Occupation – not applicable.

(v) Permanent Address – Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad.

(c) Particulars of Applicant No. 3:-

(i) Mr. Saumit Sandip Salvi

(ii) Name of Father – Shri Sandeep Dharma Salvi.

(iii) Age of Applicant – years.

(iv) Occupation –

(v) Permanent Address – Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad.

(d) Particulars of Applicant No. 4:-

(i) Mr. Samadhan Sandip Salvi

(ii) Name of Father – Shri Sandeep Dharma Salvi.

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(iii) Age of Applicant – years.

(iv) Occupation – .

(v) Permanent Address – Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad.

(f) Particulars of Order Against which Application is Made – Order dated 12-12-2023 passed by Respondent No.2, rejecting the claim of the Applicants for the job on compassionate ground at the place of Deceased Sandip Dharma Salvi.

(g) Jurisdiction of Tribunal. This Hon'ble Bench has Jurisdiction since the offices of Respondents No. 1 is situated at Mumbai, and the office of Respondent No.2 is situated at Dist. Alibag, which also falls under the jurisdiction of this Hon'ble Authority

(h) **Limitation.** The Applicant declares that the application is filed within the limitation as prescribed under Section 21

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of The Administrative Tribunals Act, 1985, because the applicant were continuous correspondence with the Respondents from the year 2012 to 12-12-2023, an therefore the present application is under limitation.

Gist of the Case

1. That the Applicant No.1 was married with one Mr. Sandip Dharma Salvi who was employed under the Zilla Parishad and at the time of the death on 2-10-2020 he was posted and working at Gram Panchayat – Khairwadi, Taluka Panvel, Dist.- Raigad, Maharashtra, under the Zilla Parishad. The Applicant states that out of the said wedlock there are three sons namely Mr. Prasenjeet Sandip Salvi, Mr. Saumit Sandip Salvi and Mr. Samadhan Sandip Salvi. The Applicant states that during the time of service, the said Mr. Sandip was very sincere and punctual and dedicated to his job. The Applicant states that in the year 2020 he was posted and working at Gram Panchayat Khairwadi, Takula Panvel, Dist. – Raigad, Maharashtra, as

an employee of Zilla Parishad Raigad, under the state government i.e. the Respondent No.1.

2. The Applicant states that the said Mr. Sandip was only the working member and his income was only the source of livelihood of the family and growing children. The Applicant states that .in the absence of Mr. Sandip (Deceased), there is no source of income and the life of the Applicant and her sons has become miserable and even she is not in position to continue the education of children.

3. The Applicant states that the said Mr. Sandip Dharma Salvi died leaving behind him the legal heirs as follows :-

Sr. No.	Name	Age	Relation
	Priti Sandip Salvi		Wife/Wodow
	Prasenjit Sandip Salvi		Son
	Saumit Sandip Salvi		Son

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	Samadhan Sandip Salvi		Son

4. The Applicant states that since the death of Mr. Sandip occurred during the service, my client and or any of her family member (any of the son) is entitled for the service under the Zilla Parishad on the compassionate ground as per rules and prevailing law & Policy of the State Government.

5. The Applicant states that during the service an FIR came to be registered against the said Sandip was registered on the instance of some Flat Purchaser and the said Sandip Dharma Salvi was suspended from the service during the investigation period of the said offence. It is pertinent to note that the said alleged offence took place at some other Gram Panchayat from which the said Sandip was no way concerned. The Applicant states that the after that the said Sandip Dharma Salvi died on 2-10-2020 at Panvel. Here to

annexed and marked **Exhibit A** is the copy of the Death certificate.

6. The Applicant states that after the death of the said Sandip Dharma Salvi, her wife the Applicant No.1 herein, had made an application to the concerned department for payment of salary allowances and also the retirement benefits. The Applicant states that on the application of the Applicant No.1, the Concerned department addressed a letter dated 26-02-2021, mentioning therein that the period of the suspension from 26-6-2019 to 2-10-2020, will be considered as the period of service and the department was directed to adjust the payment and allowances from the fund, and he will be considered at on service. Here to annexed and marked **Exhibit B** is the copy of the said Letter dated 26-2-2021.

7. The Applicant states that thereafter the Applicant made an Application dated 4-3-2021 to the Chief Executive Officer, Alibag, of the Respondent No.2 and requested therein to

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facilitate the job to her Second Son Mr. Saumit Sandip Salvi i.e. Applicant No.2 on the compassionate ground due to death of Mr. Sandip Dharma Salvi, who was working at the post of Gram Sevak. The Applicant states that in response to the said Letter dated 4-3-2021, the Deputy Chief Executive Officer addressed a letter dated 5-6-2021, mentioning therein that in the light of the Government Decision dated 21 of Sept. 2017, the family of the Applicant are not considered eligible for job on compassionate ground. The Applicant crave leave to refer to and rely upon the said Letters dated 4-3-2021 and reply dated 5-6-2021, when produced. Hereto annexed and marked **Exhibit C (Colly)** are the copies of the same.

8. The Applicant states that the Applicant had made an Application dated 17-8-2021, before the Chief Executive officer, explaining all the facts and requesting therein to provide the job / service on the compassionate ground. The Applicant states that the said request of the Applicant was turned down by the office of the Respondent No.2 by

their letter dated 30-9-2022, on the ground that the Applicant is not eligible for the scheme as there were three children to the deceased at the time of the death and of in the year 2001, and the provision of the law bars for the eligibility of such candidate. The Applicant crave leave to refer to and rely upon the said Application dated 17-8-2021 and Letter dated 30-9-2022, when produced. Hereto annexed and marked **Exhibit D (Colly)** are the copies of the same.

9. The Applicant states that again the Applicant No.1 made an application dated 27-6-2023, to the Chief Executive Officer i.e. Respondent No.2 for the job to Applicant No.3 on the compassionate ground as the said deceased (Sandip Dharma Salvi) was expired during the service. The Applicant states that in the reply to the said Letter the office of the Respondent No.2 addressed a letter dated 24-7-2023, rejecting the claim of the Applicant of the job on the pretext that the Applicant and Deceased had three sons, and therefore he is not eligible for the job on the

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compassionate ground. The Applicant craves leave to refer to and rely upon the said Application dated 27-6-2023 and Letter dated 24-7-2023, when produced. Hereto annexed and marked **Exhibit E (colly)** are the copies of the same.

10. The Applicant states that thereafter the Applicant addressed a detailed Letter dated 30-10-2023 through her advocate, explaining all the facts and prevailing laws as well as the judgments of the High Court and of this Hon'ble Authority and also requested therein to grant the job on the compassionate ground to the Applicant No.3, at the place of the deceased Sandip Dharma Salvi. The Applicant states that the applicant also supplied the relevant documents, which were duly served upon the Respondents. The Applicant craves leave to refer to and rely upon the said Letter dated 30-10-2023 & 31-10-2023, when produced. Here to annexed and marked **Exhibit F (colly)** are the copies of the same.

11. The Applicant states that despite the service of the Lette dated 30-10-2023 and 31-10-2023, the Respondents were not taking any steps to decide the eligibility and consider the claim of the Applicant and therefore the applicant once again addressed a reminder through her advocate Letter dated 28-11-2023, to Chief Executive Officer, requesting therein to consider the claim of the Applicant. The Applicant craves leave to refer to and rely upon the said Reminder Letter dated 28-11-2023, when produced. Hereto annexed and marked **Exhibit G** is the copy of the same.

12. The Applicant states that in response to the said letter dated 30-10-2023, the office of the respondent No.2 replied through their letter dated 12-12-2023, intimating therein that the Applicant is not eligible for the job on the compassionate ground as the said deceased had three sons at the time of death and after 2001. The Applicant states that event he Respondent No.2 also added another ground for the refusal of the job stating therein that there was

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criminal complaint was lodged against the said Sandip Dharma Salvi, therefore he was suspended and therefore he was not in service at the time of death. The Applicant states that the said finding and observation of the office of the Respondent No.2 was totally contrary and the finding of the earlier letter dated 26-2-2021. The Applicant craves leave to refer to and rely upon the said letter dated 12-12-2023, when produced. Hereto annexed and marked **Exhibit H** is the copy of the same.

13. The Applicant states that thereafter the Applicant again through their advocate addressed a letter dated 2-2-2024, requesting therein to consider the case of the Applicants and provide / facilitate the job on the compassionate ground in the lieu of the death of the said Sandip Dharma Salvi. The Applicant also explained the position of law and prevailing policy of the Sate Government. The Applicant craves leave to refer to and rely upon the said Letter dated 2-2-2024 along with the acknowledgment, when

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Adv. Shivaji N. Dhanage
Mumbai Maharashtra
Reg. No. 15376
GOVT OF INDIA

produced. Hereto annexed and Marked **Exhibit I** is the copy of the same.

14. The Applicant states that the Applicant has addressed several letters and representation to the Zilla Parishad as well as the other higher officials, requesting therein for appointment on the compassionate ground but on all occasion the request of the Applicant was turned down on the pretext that since my client has three sons and third son is also born after the datum line of 31-12 2001, therefore the Applicant is not entitled for the appointment and or any benefits on the compassionate ground.

15. The Applicant states that the reason mentioned in the said Letter dated 12-12-2023 is not appearing to be just and cannot be justified as the said Circular of the 8-3-2001 is not applicable and same has been declared unconstitutional by the Hon'ble High Court.

NOTARY GOVT OF INDIA Adv. Shivaji N. Dhanage Murtizapur Maharashtra Reg. No. 15376

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16. The Applicants state that the Applicants shall file a separate Affidavit, giving their no objection as well as consent that the job may be given to the Applicant No. 3 Mr. Saumit Sandip Salvi, in lieu of the death of Sandip Dharma Salvi.

GROUNDS

i. That the said Impugned Letter dated 12-12-2023 is grossly against the Principles of Natural Justice and also against Public Policy;

ii. That the said Impugned Order is in gross violation of the Order and Judgment passed by the Division Bench of the Hon'ble High Court;

iii. That the Letter dated 12-12-2023 is nothing but the arbitrariness on the part of the Respondent No.2;

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iv. That the fact is well communicated that the provision which bars the legal heirs from becoming eligible due to more than 3 children, has been scraped by the Hon'ble High Court;

v. That the authority concerned are continuously changing their reason for not providing the job on compassionate ground;

vi. That earlier they were saying that since the deceased has their children, the Applicant is not eligible for the same and now they hare saying that since he was suspended from the service, he cannot be considered for the benefits of job on compassionate ground;

vii. That the judgments passed by this Hon'ble Authority and other benched of this Hon'ble Authority were also communicated to them through

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the advocates letter, but arbitrarily they are not ready to consider the same;

Details of Remedies Available

13. The Applicants submit that they are therefore entitled to declaration that the said Impugned Order / Letter dated 12-12-2023, pased by Respondent No. 2 is illegal and bad in law, being grossly discriminatory and injurious to the rights of the Applicants.

14. The Applicants further submit that they are entitled to a declaration that they should be held eligible for the job on the compassionate ground in view of the death of Mr. Sandip Dharma Salvi and also entitled to get the other benefits as well under the provision of the statute;

15. The Applicants submit that in consequence to the above orders, this Hon'ble Tribunal is required to direct

Respondents to provide the job to the Applicant No.3 at the place of Mr. Sandip Dharma Salvi, as per rules.

Matters Not Previously Filed or Pending with Any Other Court

16. The Applicants further declare that they had not previously filed any application, writ petition or suit, regarding the matter in respect of which this present Original Application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

RELIEFS SOUGHT:-

(a) That this Hon'ble Tribunal be pleased to declare that the said Impugned Order / Letter dated 12-12-2023 passed by the Respondent No. 2 is illegal and bad in law, arbitrary and being grossly discriminatory and injurious to the rights of the Applicants.

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(b) That this Hon'ble Tribunal be pleased to declare that grave wrong and injury has been caused to the Applicants on account of the passing of the said Impugned Order dated 12-12-2023 by the Respondent No. 2 to the extent of its applicability to the Applicants.

(c) That this Hon'ble Tribunal be pleased to quash and set aside the said Impugned Order dated 12-12-2023 passed by the respondent No.2, to the extent of its applicability to the Applicants and declare that the Applicants are entitled for the job on compassionate ground in view of the death of Mr. Sandip Dharma Salvi;

(d) That this Hon'ble Tribunal be pleased to direct Respondents to provide the job to the Applicant No.3 in lieu of the death of Sandip Dharma Salvi, as per rules;

NOTARY Adv. Shivaji N. Dhanage Mumbai Maharashtra Reg. No. 15376 GOVT OF INDIA

(e) For such further just, legal and equitable reliefs as this Hon'ble Tribunal deems fit and necessary;

18. **List of Enclosures:-** As per List of Documents annexed to this Original Application.

Solemnly Affirmed at]
Mumbai dated this]
Day of July, 2023]
02 JUL 2024

[Priti Sandeep Salvi]
Applicant No. 1

[ ]
Applicant No. 2

NOTARY
Adv. Shivaji N. Dhanage
Mumbai Maharashtra
Reg. No. 15376
GOVT OF INDIA

[ ]
Applicant No. 3

[ ]
Applicant No. 4

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Explained, Interpreted &
Identified by me,

[J. S. Yadav]
Advocate for the Applicants

Verification

I, SMT. PRITI SANDEEP SALVI, age about 45 years, Occupation - HOUSEWIFE, Applicant No. 1 above - named, occupation - Housewife, permanent residing at Village - Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad, hereby verify that the contents of Paragraphs No. 1 to 15 are true to my personal knowledge and Paragraphs No. 16 to 18 are believed to be true on legal advice, and I have not suppressed any material fact.

02 JUL 2024

Dated this __ th day of July, 2024

Place: Mumbai

02 JUL 2024

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[

Applicant No. 1

[Janardan Shrinath Yadav]
Advocate for the Applicants

BEFORE ME

BEFORE ME

Adv. S.N. Dhanage
Notary Govt. Of India
Regd. No. 15376, MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199 Near Central Camera Bldg.,
D.N. Road, Fort, Mumbai - 400001
Mob.: 8591897834

NOTED & REGISTERED

PageNo. 76 Sr.No. 567

Dated. 02 JUL 2024

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IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH
ORIGINAL APPLICATION No. of 2024

Mrs. Priti Sandi Salvi & ORs. ...Applicants

Versus

State of Maharashtra & Ors. ...Respondents

LIST OF DOCUMENTS

1. Death Certificate
2. Letter dated 26-2-2021
3. Letters dated 4-3-2021 and reply dated 5-6-2021
4. Application dated 17-8-2021 and Letter dated 30-9-2022
5. Application dated 27-6-2023 and Letter dated 24-7-2023
6. Letter dated 30-10-2023 & 31-10-2023,
7. Letter dated 28-11-2023
8. Letter dated 12-12-2023
9. Letter dated 2-2-2024

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Advocate for Applicants

Ex. A 25

Exh. 8/C

क्रमांक 1

महाराष्ट्र शासन
GOVERNMENT OF MAHARASHTRA
आरोग्य विभाग
DEPARTMENT OF HEALTH

फॉर्म-6
FORM-6

MUNICIPAL CORPORATION OF GREATER MUMBAI A WARD

मृत्यु प्रमाण-पत्र
DEATH CERTIFICATE

जन्म व मृत्यु नोंदणी अधिनियम, 1969 च्या कलम 12/17 आणि महाराष्ट्र जन्म आणि मृत्यु नोंदणी नियम, 2000 चे नियम 8/13 अन्वये देण्यात आले आहे.

(ISSUED UNDER SECTION 12/17 OF THE REGISTRATION OF BIRTHS & DEATHS ACT, 1969 AND RULE 8/13 OF THE MAHARASHTRA REGISTRATION OF BIRTHS & DEATHS RULES 2000.)

प्रमाणित करण्यात येत आहे की, खालील माहिती मृत्युच्या मूळ अभिलेखच्या नोंदवहीतून बृहन्मुंबई महानगरपालिका प विभाग , तालुका मुंबई शहर , जिल्हा मुंबई , राज्य च्या नोंदवहीत उल्लेख आहे.
THIS IS TO CERTIFY THAT THE FOLLOWING INFORMATION HAS BEEN TAKEN FROM THE ORIGINAL RECORD OF DEATH WHICH IS THE REGISTER FOR MUNICIPAL CORPORATION OF GREATER MUMBAI A WARD OF TAHSIL/BLOCK GREATER MUMBAI OF DISTRICT MUMBAI OF STATE/UNION TERRITORY MAHARASHTRA, INDIA.

मृताचे नाव / NAME OF DECEASED : SANDEEP DHARMA SALVI

लिंग / SEX: पुरुष / MALE

मृत्यू दिनांक / DATE OF DEATH:
02-10-2020
SECOND-OCTOBER-TWO THOUSAND TWENTY

मृत्यू ठिकाण / PLACE OF DEATH:
BOMBAY HOSPITAL

मृत व्यक्तीचे वय / AGE OF DECEASED:
48 YEARS

पती / पत्नी माहिती नाव / NAME OF HUSBAND / WIFE:
PRITI SANDEEP SALVI

आधार क्रमांक / HUSBAND/WIFE AADHAAR NO. :

आईचे पूर्ण नाव / NAME OF MOTHER:
SONABAI DHARMA SALVI

वडिलांचे पूर्ण नाव / NAME OF FATHER :
DHARMA ARJUN SALVI

आधार क्रमांक / MOTHER'S AADHAAR NO. :

आधार क्रमांक / FATHER'S AADHAAR NO. :
—

मयत व्यक्तीचा मृत्यूसमयीचा पत्ता / ADDRESS OF THE DECEASED AT THE TIME OF DEATH :

KL-4 SECTOR 6E,
KALAMBOLI, NAVI MUMBAI, THANE, THANE,
MAHARASHTRA- 410218

मयत व्यक्तीचा कायमचा पत्ता / PERMANENT ADDRESS OF DECEASED :

KL-4 SECTOR 6E,
KALAMBOLI, NAVI MUMBAI, THANE, THANE,
MAHARASHTRA- 410218

नोंदणी क्रमांक / REGISTRATION NO:
D-2020: 27-90258-001824

नोंदणी दिनांक / DATE OF REGISTRATION:
12-10-2020

शेरा / REMARKS (IF ANY):
TOD: 9:40 A.M.

PSalvi

प्रमाणपत्र दिल्याचा दिनांक / DATE OF ISSUE:
03-11-2023

निर्गमित करणारे प्राधिकारी / ISSUING AUTHORITY

उप-रजिस्ट्रार (जन्म व मृत्यु)
SUB-REGISTRAR (BIRTH & DEATH)
MUNICIPAL CORPORATION OF GREATER MUMBAI A WARD

UPDATED ON :
2020-10-12

सत्यप्रत / True Copy
सही Kalpal दिनांक
नाव/Name: श्री सुरेश केरु सकपाळ जिल्हा/Dist. ठाणे
विशेष कार्यकारी अधिकारी /Special Executive Officer
नोंदणी क्र./Reg. No.2016/21/534215916817/806

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" प्रत्येक जन्म आणि मृत्यूची घटना नोंदत्याची खात्री करा " / ENSURE REGISTRATION OF EVERY BIRTH AND DEATH"

Compared By

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फौजदारी न्यायालय पनवेल

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RCC. 858/2019
18.3.2024.

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रायगड जिल्हा परिषद,अलिबाग
(ग्रामपंचायत विभाग)

शिवतीर्थ, रायगड जिल्हा परिषद प्रशासकिय इमारत, दुसरा मजला, अलिबाग, जि.रायगयड पिन कोड ४०२२०१
Email- dyccoypmigad3@gmail.com दुरध्वनी क्र.०२१४१-२२२०३२

जा.क्र. राजिप/ग्रा.पं/आस्था-२/ /२०२१ 04606 दि.. .०१.२०२१
21/2/2021

संदर्भ:-१ .महाराष्ट्र जिल्हा परिषदा,जिल्हा सेवा (शिस्त व अपिल) नियम १९६४ मधील नियम३
२. महाराष्ट्र जिल्हा परिषदा,जिल्हा सेवा (वर्तणुक) नियम,१९६७मधील नियम ३
३ .महाराष्ट्र नागरी सेवा (पदग्रहण अवधी,स्वीयेत्तर सेवा आणिप निलंबन,बडतर्फी व सेवेतुन काढुन टाकणे यांच्या काळातील प्रदाने)नियम,१९८१ चे नियम३
४. गट विकास अधिकारी पंचायत समिती पनवेल यांचे पत्र क्रं.पंसप/आस्था-२/वशी-२/४५६५/२०२० दि ०४.१२.२०२०
५ .कार्यालयीन मंजुर टिप्पणी दिनांक /०१/२०२१.

प्रस्तावना

ज्या अर्थी, गट विकास अधिकारी पंचायत समिती, पनवेल यांचे पत्र क्रं.पंसप/आस्था-२/वशी-२/४५६५/२०२० दि ०४.१२.२०२० नुसार कै. संदिप धर्मा साळवी, ग्रामसेवक, पं.स. पनवेल यांचे निलबंन कालावधी निर्णय घेणे बाबत विनंती केली आहे.

आणि ज्या अर्थी,महाराष्ट्र शासनाचे परिवत्रक क्रंमाक :वशिअ-१२१८/प्र.क्र.६१/११दिनांक ३१.०५.२०१८ नुसार अपचारी शासकिय कर्मचां-यांची शिस्तभंग कारवाई संपुष्टात येते. त्यामुळे संबधित अपचारी शासकिय कर्मचां-याच्या मुत्युनंतर कोणतीही शिस्तभंगाची कार्यवाही चालु ठेवता येत नाही.

आणि ज्या अर्थी, कै. संदिप धर्मा साळवी, ग्रामसेवक, पं.स. पनवेल यांचे दिनांक ०२.१०.२०२० रोजी निधन झाल्यामुळे त्यांचे निलबंन कालावधीचा खालीलप्रमाणे निर्णय घेण्याचे आदेश देण्यात येत आहे.

आदेश:-

१. महाराष्ट्र नागरी सेवा (पदग्रहण अवधी,स्वीयेत्तर सेवा आणि निलंबन,बडतर्फी व सेवेतुन काढुन टाकणे यांच्या काळातील प्रदाने)नियम १९८१ चे नियम ७२(२) मधील तरतुदीनुसार कै. संदिप धर्मा साळवी, ग्रामसेवक, पं.स. पनवेल, हे मयत झाल्यामुळे निलंबन कालावधी हा सर्व प्रयोजणार्थ,कामावर व्यतीत केलेला कालावधी म्हणुन मानण्याची तरतुद आहे. त्यामुळे दिनांक २६.०६.२०१९ ते दि.०२.१०.२०२० पर्यंतचा निलंबन कालावधी सर्व प्रयोजणार्थ कर्तव्य कालावधी म्हणुन नियमीत करण्यात येत आहे.

२..महाराष्ट्र नागरी सेवा (पदग्रहण अवधी,स्वीयेत्तर सेवा आणि निलंबन,बडतर्फी व सेवेतुन काढुन टाकणे.यांच्या काळातील प्रदाने) नियम,१९८१ चे नियम तरतुदीनुसार कै. संदिप धर्मा साळवी, ग्रामसेवक, पं.स. पनवेल, यांना उक्त कालावधीचे वेतन भत्ते अदा करताना निर्वाह भत्यापोटी अदा करण्यात आलेली रक्कम त्यातुन समायोजन करण्यात यावी.

(डॉ.किरण पाटील) भा.प्र.से
नियुक्ती प्राधिकारी व शिस्तभंग प्राधिकारी
तथा मुख्य कार्यकारी अधिकारी
रायगड जिल्हा परिषद,अलिबाग.

प्रत-: माहीतीसाठी व आवश्यक त्या कार्यवाहीसाठी.
१. मुख्य लेखा व वित्त अधिकारी, रायगड जिल्हा परिषद,अलिबाग
२. गट विकास अधिकारी पंचायत समिती पनवेल

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(Colly)

दिनांक : 04/03/2022

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प्रति,
मा. मुख्यकार्यकारी अधिकारी साहेब.
रायगड जिल्हा परिषद अलिबाग यांची

अर्जदार : श्रीम. प्रिती संदिप साळवी.
(दिवंगत संदिप धर्मा साळवी ग्रामसेवक ता. पनवेल यांची पत्नी)
मु. मुठवली, पो. खव
ता. महाड, रायगड हिजकडून शाकव

विषय : अनुकंपा तत्वावर नियुक्ती मिळणे बाबत

महोदय,

वरील विषयान्वये विनंती करते की, माझे पती दिवंगत संदिप धर्मा साळवी दिनांक २७.११.१९९७ रोजी ग्रामसेवक या पदावर शासकीय सेवेत हजर झाले होते. मृत्यु समयी ते गुप ग्रामपंचायत खैरवाडी ,ता. पनवेल, जि. रायगड येथे कार्यरत असताना दि. २.१०.२०२० रोजी अल्पशा आजाराने मृत्यु झाल्याने त्यांच्या पश्चात माझ्या कुटुंबाची आर्थिक परिस्थिती हालाखीची झालेली आहे. माझ्या घरी कमावती व्यक्ती कोणी नसल्यामुळे माझा मुलगा सौमित संदिप साळवी याला शासनाच्या नियमानुसार अनुकंपा तत्वावर शासकीय सेवेत नियुक्ती मिळणेस विनंती आहे.

सोबत माझ्या मुलाची वैयक्तिक माहिती जोडत आहे.

मे. जा. प्रहावे

आपली विश्वासू,
प्रिती संदिप साळवी

GOVT OF INDIA

जा.क्र. राजिप/सांप्रवि/प्राप/आस्था-२/ /२०२१
ग्रा.पं.विभाग, रायगड जिल्हा परिषद, अलिबाग
दिनांक :- ०५.०६.२०२१

प्रति,
श्रीम. प्रिती संदिप साळवी,
मु. बठवली पो. साव,
ता.महाड, जि. रायगड

विषय :- अनुकंपातत्वावर नोकरी मिळणे बाबत.
कु. सौमित संदिप साळवी.

संदर्भ :- श्रीम. प्रिती संदिप साळवी, यांचा अर्ज दिनांक ०४.०३.२०२१

उपरोक्त संदर्भिय पत्रान्वये श्रीम. प्रिती संदिप साळवी, दिवंगत संदिप धर्मा साळवी, ग्रामसेवक, ग्रुप ग्रामपंचायत खैरवाडी, पंचायत समिती पनवेल यांच्या पश्चात त्यांच्या मुलगा कु. सौमित साळवी याचा अनुकंपातत्वावर नोकरी मिळणेसाठीचा प्रस्ताव या कार्यालयाकडे परस्पर सादर केलेला आहे. सदर प्रस्तावाची छाणनी केली असता सामान्य प्रशासन विभागाकडील शासन निर्णय दि.२१ सप्टेंबर २०१५ चे (६) नुसार दिनांक ३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचा-याच्या कुटुंबियाना अनुकंपा तत्वावरील नियुक्तीसाठी पात्र समजले जाणार नाही असे नमुद असल्याने कु. सौमित संदिप साळवी, यांना अनुकंपा तत्वावर लाभ देय होणार नाही.

सोबत :- मुळ प्रस्ताव.

(शितल वि. पुंड)
उप मुख्य कार्यकारी अधिकारी (ग्रा.पं.)
रायगड जिल्हा परिषद अलिबाग

प्रत :- गट विकास अधिकारी पंचायत समिती पनवेल याना माहितीसाठी.

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प्रति,

दिनांक: १७.०८.२०२१

मा. मुख्य कार्यकारी अधिकारी साहेब,
रायगड जिल्हा परिषद अलिबाग

विनंती अर्जदार श्रीमती. प्रिती संदिप साळवी दिवंगत ग्रामसेवक ता.पनवेल यांची पत्नी, मु. मुठवली पो. सव, ता. महाड, जि. रायगड हिसकडून सादर....

विषय : अनुकंपा तत्वावर नोकरी मिळणे बाबत विनंती अर्ज .....

मा. महोदय,

वरिल विषयान्वये आपणांस विनंती करते की, माझे पती दिवंगत संदिप धर्मा साळवी दिनांक - २७.११.१९९७ रोजी ग्रामसेवक या पदावर शासकीय सेवेत हजर झाले होते. त्यांचे निधनाच्या वेळी ते ग्रा.पं. ग्रामपंचायत खैरवाडी ता. पनवेल जि. रायगड येथे कार्यरत असताना दिनांक दि. ०२.१०.२०२० रोजी अल्पशा आजाराने मृत्यू झाल्याने, त्यांच्या पश्चात माझ्या कुटुंबाची आर्थिक परिस्थिती हालाखीची झालेली आहे. कारण माझ्या घरामध्ये इतर कोणीही कमविता व्यक्ति नाही.

तरी मे. साहेब आपण मला माझ्या लहान मुलांचे पालनपोषण व शिक्षणाकरीता मुलाला माझ्या पतीच्या जागेवर अनुकंपा तत्वावर नोकरी मिळवून देण्यास नम्र विंनती करीत आहे, त्यासाठी मी आपला सदैव आभारी राहीन.

आपण मला योग्यते सहकार्य व मार्गदर्शन कराल, अशी कळकळीची नम्र विनंती करीत आहे.

धन्यवाद,

आपली नम्र,

श्रीमती. प्रिती संदिप साळवी

30

ROAD

रायगड जिल्हा परिषद,अलिबाग
(ग्रामपंचायतविभाग)
शिवतीर्थ, रायगड जिल्हा परिषद प्रशासकिय इमारत,
दुसरा मजला, अलिबाग,जि.रायगड, पिनकोड-४०२२०१
ई-मेल - dyceovpraigad3@gmail.com, दुरध्वनीक्र.०२१४१-२२२२३२

जा.क्र.राजिप/ग्रापं/आस्था-२/ /२०२२ दिनांक 30 /०९/२०२२

७७३०४

प्रति,

श्रीम. प्रिती संदीप साळवी,
मु. मुठवली, पो सव,
ता.महाड, जि. रायगड

विषयः- अनुकंपा तत्वावर नोकरी मिळणेबाबत.
(श्रीम. प्रिती संदिप साळवी (कै.श्री. संदिप धर्मा साळवी, मयत ग्रामसेवक यांच्या पत्नी)

संदर्भः- ग्राम विकास कार्यालयाकडील पत्र क्र. ग्रामविकास व कामगार/जनरल/३४४५/२०२२ दि.१५.०६.२०२२

उपरोक्त संदर्भिय विषयानुसार आपला अनुकंपा तत्वावर नोकरी मिळणेबाबतचा अर्ज या कार्यालयाकडे प्राप्त झाला आहे.

परंतु आपण पत्रात नमूद केल्यानुसार उप मुख्य कार्यकारी अधिकारी (सा.प्र.) यांचेकडील पत्र क्र. राजिप/साप्रवि/ग्रांप/आस्था-२/१३५४१/२०२१ दि. २८.०६.२०२१ अन्वये सदर प्रस्तावाची छाननी केली असता सामान्य प्रशासन विभागाकडील शासन निर्णय दि. ८.०३.२००१ मधील मुद्दा क्र. १ (इ) नुसार व दि. २१.०९.२०१७ चे (६) नुसार दि.३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचाऱ्यांच्या कुटुंवियांना अनुकंपा तत्वावर नियुक्तीसाठी पात्र समजले जाणार नाही असे नमूद आहे. असे कळविले आहे.

उपरोक्त शासन निर्णयानुसार आपणांस दि.३१ डिसेंबर २००१ नंतर तीन अपत्य असल्याने आपणांस अनुकंपा तत्वावर लाभ देता येणार नाही.

सोबत :- शासन निर्णय दि. ८.०३.२००१ व दि. २१.०९.२०१७ जोडले आहेत.

०।८

(राजेंद्र भालेराव)
उप मुख्य कार्यकारी अधिकारी (ग्रा.पं.)
रायगड जिल्हा परिषद,अलिबाग

प्रत :- माहितीसाठी
१. मा. मुख्य कार्यकारी अधिकारी, राजिप,अलिबाग यांना सविनय सादर.

NOTARY GOVT OF INDIA

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दि. २७/०६/२०२३

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प्रति,
मा. मुख्यकार्यकारी अधिकारी साहेब.
रायगड जिल्हा परिषद अलिबाग

अर्जदार -श्रीमती. प्रीती संदीप साळवी
मु. गाव मुठवली पो. सव
ता.महाड जि.रायगड

विषय – अनुकंपा तत्वावर नोकरी मिळण्याबाबत

महोदय,

वरील विषयान्वेय आपणास विनंती करीत आहे माझे दिवंगत पती संदीप धर्मा साळवी दि.२७/११/१९९७ रोजी ग्रामसेवक या पदावर रुजू झाले होते. ते ग्रुप ग्रामपंचायत खैरकर वाडी ता. पनवेल जि. रायगड य इथे ग्रामसेवक या पदावर कार्यरत असताना दि. ०२/१०/२०२० रोजी त्यांचा हृदय विकाराच्या झटक्याने मृत्यू झाला. त्यांच्या पश्चात कुटुंबाची आर्थिक परिस्थिती हालकीची झाली आहे कारण माझ्या घरामध्ये कोणी कमवणारी व्यक्ती नाही. माझी मुले कॉलेजला शिक्षण घेत असून मी घरीच असते. यापूर्वी मी माझ्या मुलाकारिता अनुकंपातत्वावर नोकरी साठी आपल्याकडे अर्ज केला होता परंतु शासन नियमा नुसार तीन अपत्ये असल्या कारणाने तो अर्ज नाकारण्यात आला. तरी मला माझ्या पतीच्या जागेवर मी पत्नी म्हणून अनुकंपा तत्वावर मला नोकरीत सामावून घ्याल अशी मी विनंती करते.

आपली नम्र

प्रीती संदीप साळवी
प्रीती संदीप साळवी

27/6/23
लेखनिक
मध्यवर्ती नोंदणी शाखा
रायगड जिल्हा परिषद,अलिबाग
402 201

NOTARY * GOVT OF INDIA *

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RPAD

रायगड जिल्हा परिषद,अलिबाग
(ग्रामपंचायत विभाग)
शिवतीर्थ, रायगड जिल्हा परिषद प्रशासकिय इमारत,
दुसरा मजला, अलिबाग,जि.रायगड, पिनकोड-४०२२०१

ई-मेल - dyceovpraigad3@gmail.com, दुरध्वनीक्र.०२१४१-२२२२३२

जा.क्र.राजिप/ग्रापं/आस्था-२/ /२०२३ दिनांक 21/07/२०२३

०८३८५

मा. मंत्री संदर्भ क्र. १३२७/२३ दि. २२.०६.२०२३

प्रति,

श्रीम. प्रिती संदीप साळवी,
मु. मुठवली, पो सव,
ता.महाड, जि. रायगड

वषय:- अनुकंपा तत्वावर नोकरी मिळणेबाबत.
(श्रीमं. प्रिती संदिप साळवी (कै.श्री. संदिप धर्मा साळवी, मयत ग्रामसेवक यांच्या पत्नी)

संदर्भ:- १. मा. मंत्री महोदय, ग्रा.वि. व पं.राज/वै.शि./क्री. व युवक कल्याण यांच्या कार्यालयाकडील पत्र क्र. १३२७//२०२३ दि.२२.०६.२०२३
२.या कार्यालयाकडील पत्र क्र.राजिप/साप्रवि/ग्रापं/आस्था-२/१३५४१/२०२१ दिनांक २४.०६.२०२१
३. या कार्यालयाकडील पत्र क्र.राजिप/साप्रवि/ग्रापं/आस्था-२/१७३०४/२०२२ दिनांक ३०.०९.२०२२

उपरोक्त संदर्भ क्र. ०१ नुसार कळविण्यात येते की, श्रीम. प्रिती संदीप साळवी, मु. मुठवली, पो सव, ता.महाड, जि. रायगड यांचा अनुकंपा तत्वावर नोकरी मिळणेबाबतचा अर्ज आपण तपासून कार्यवाही करणेसाठी या कार्यालयाकडे पाठविलेला आहे.

परंतु श्रीम. प्रिती संदीप साळवी यांच्या अर्जाची छाननी केली असता श्रीम. साळवी यांना तीन अपत्य असून सामान्य प्रशासन विभागाकडील शासन निर्णय दि. ८.०३.२००१ मधील मुद्दा क्र. १ (इ) नुसार व दि. २१.०९.२०१७ चे (६) नुसार दि.३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचाऱ्यांच्या कुटूंबियांना अनुकंपा तत्वावर नियुक्तीसाठी पात्र समजले जाणार नाही असे नमूद आहे.

त्यामुळे उपरोक्त शासन निर्णयानुसार श्रीम. प्रिती संदीप साळवी दि.३१ डिसेंबर २००१ नंतर तीन अपत्य असल्याने त्यांना अनुकंपा तत्वावर नोकरीचा लाभ देता येणार नाही.

सदर बाबतीत संबंधितास संदभ क्र. ०२ व संदर्भ क्र.०३ अन्वये या कार्यालयाकडून कळविण्यात आले आहे. सोबत छायांकीत प्रत जोडली आहे. तरी सस्नेह माहितीस्तव सविनय सादर.

आपले विश्वासु,

(राजेंद्र भालेराव)
उप मुख्य कार्यकारी अधिकारी (ग्रा.पं.)
रायगड जिल्हा परिषद,अलिबाग

प्रत :- माहितीसाठी

१. खाजगी सचिव, मंत्री महोदय, ग्रामविकास व पंचायत राज, वैद्यकीय शिक्षण,क्रिडा व युवक कल्याण, महाराष्ट्र शासन, मंत्रालय,मुंबई ४०० ०३२ यांना सविनय सादर.
२. मा. मुख्य कार्यकारी अधिकारी, राजिप,अलिबाग यांना सविनय सादर.

NOTARY ... GOVT OF INDIA

EX-F (Colly) 33

J. S. Yadav B. A. LL.B.

Advocate High Court

Office Correspondence Room No.26, 2nd Floor, Shrinath Bhavan, 27, Picket Cross Road, Mumbai – 400 002
Mobile No.9987189233

Ref No._____

Date 30/11/2023

RM036598798IN IVR:827036597[illegible]
RL MUMBAI GPO (400001)
Counter No:2,02/11/2023,17:[illegible]
To:GRAMVIKAS PAN,MAHA SHASAN
PIN:400032, Mantralaya SO Mumbai
From:ADV. J S YA,26 SHREENATH BHA
Wt:70gms Ack Fee:3.00,REG=17.0
Amt:47.20(Cash)Tax:7.20
(Track on www.indiapost.gov.in)
(Dial 18002666868) (Wear Masks, Stay Safe)

To,

The Chief Executive Officer,

Raigad Zilla Parishad,

Shivtirth, Raigad Zilla Parishad Administrative Building.

Alibaug, Dist Raigad,

Maharashtra 402 201

Sub :- Letter of Request cum Representation for appointment of Mr. Sawmeet Sandip Salvi, on compassionate ground at the place of deceased Sandip Dharma Salvi, who died during the service on 2-10-2020 during Covid.

Sir/Madam,

Under the instruction from my client Mrs. Priti Sandip Salvi, permanent resident of Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad, I have to address you as under :-

1. My client states that my client was married with one Mr. Sandip Dharma Salvi and he was employed under the Zilla Parishad and at the time of the death on 2-10-2020 he was posted and working at Panvel, under the Zilla Parishad. My client states that out of the wedlock there are three sons namely Mr. Prasenjeet Sandip Salvi, Mr. Saumit Sandip Salvi and Mr. Samadhan Sandip Salvi.

2. My client states that during the time of service, the said Mr. Sandip was very sincere and punctual and there was no any type of complaint of any nature against him. My client states that in the year 2020 he was posted and working at Panvel, as an employee of Zilla Parishad Raigad.

NOTARY * Adv Shirish N. Dhanage Mumbai Maharashtra Reg. No. 15[illegible] * GOVT OF INDIA

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3. My client states that the said Mr. Sandip was only the working member and his income was only the source of livelihood of the family and growing children. My client states that in the absence of Mr. sandip, there is no source of income and the life of my client's family has become miserable and even she is not in position to continue the education of children.
4. My client states that since the death of Mr. Sandip occurred during the service, my client and or any of her family member (any of the son) is entitled for the service under the Zilla Parishad on the compassionate ground as per rules and prevailing law.

5. My client states that my client has addressed several letters and representation to the Zilla Parishad as well as the other higher officials, requesting therein for appointment on the compassionate ground but on all occasion the request of my client was turned down on the pretext that since my client has three sons and third son is also born after the datum line of 31-12 2001, my client is not entitled for the appointment on the compassionate ground.

6. My client states that my client has already made an application with request to appointment on compassionate ground but my client received a letter dated 24-07-2023 issued by Raigad Zilla Parishad, (Gram-Panchayat Department), stating therein that as per the circular dated 8-3-2001 and 21-09-2017, if any of the employee has third child after 31-12-2001, then his family will not be considered eligible for the compassionate appointment. My client states that and finally my client was denied only on the ground as mentioned in the said letter dated 24-7-2023.

7. My client states that the reason mentioned in the said Letter is not appearing to be just and cannot be justified as the said Circular of the 8-3-2001 is not in existence

NOTARY GOVT OF INDIA

and same has been declared unconstitutional by the Hon'ble High Court. Details are as under :-

LEGEL-POSITION

A. My client states that the similar matter came in the Hon'ble High Court by way of Writ Petition No. 7742 of 2014, in which the deceased had three children and the deceased family was denied from the compassionate appointment by the Nasik Zilla Parishad on the same ground of more than two children. My client states that at the time of final decision on 3-7-2019, the Hon'blwe Division Bench of the their Lordships Chief justice Pradeep Nandrajog and N. M. Jamdar, in para 7 of the judgment declared the said Circular unconstitutional and therefore the said Circular dated 31-12-2001 is not in operation. The copy of the said Order is annexed herewith for your kind perusal.

B. My client further states that Similar matter was arisen for the consideration before the Hon'ble Mahatashtra Administrative Tribunal at Mumbai in original Application No. 1326 of 2022, in which a police Officer was died in harness and he had three children, however after considering the facts and circumstances of the case, the Hon'ble Tribunal allowed the application and set aside the communication/ letter by which his family was denied and further the authority were directed to consider the claim of the applicant on compassionate ground. The copy of the Order dated 13-7-2023 is annexed herewith for your kind perusal and consideration.

C. My client states that there are several similar matter which has been considered by the Maharashtra Administrative Tribunal by keeping aside the said Circular of the 31-12-2001, and allowed the application of the applicants who had even more that two children. My client states that similar view was taken by the Maharashtra Administrative Tribunal Nagpur in the case of Original Applications Nos. 158 of 2021 and 161 of 2021.

NOTARY Adv. Shirish N. Dhanak Mumbai Maharashtra Regd. No. 15276 GOVT OF INDIA

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8. My client states that my client is entitled for the appointment on the compassionate ground in lieu of the death of Mr. Sandip Dharma Salvi and therefroe it is necessary and equitable that your good-self may set-aside and recall the communication / letter dated 24-7-2023, in view of the above discussion and judgment and consider the eligibility of my client for appointment on compassionate ground.

You are therefore humbly requested on behalf of my client to consider the present case in the light of above discussion and judgment of the Hon'ble high Court as well as the Maharashtra Administrative Tribunals and set aside/ recall the communication / letter dated 24-7-2023 and consider the case of my client in the light of prevailing judgments and also on humanitarian ground for appointment on the compassionate ground in lieu of the death of her husband Mr. Sandip Dharma Salvi, failing which my client shall have no alternate but to approach the court of law for appropriate relief.

प्रिती संदिप साळवी
(Mrs. Priti Sandip Salvi)

(Advocate)

Enclosed –

1. Copy of Order dated 3-7-2019 in WP No. 7742 of 2014
2. Copy of Order dated 13-7-2023 in original Application No. 1326 of 2022, by MAT, Mumbai

C. C. To

The Hon'ble Minister Rural Development,
Mantralay,
Mumbai 400 023

30/10/2023

J. S. Yadav B. A. LL.B.
Advocate High Court
Office Correspondence Room No.26, 2nd Floor, Shrinath Bhavan, 27, Picket Cross Road, Mumbai – 400 002
Mobile No.9987189233

37

Ref No._____

Date 31/10/2023

To,

The Chief Executive Officer,

Raigad Zilla Parishad,

Shivtirth, Raigad Zilla Parishad Administrative Building.

Alibaug, Dist Raigad,

Maharashtra 402 201

Sub :- Letter of Request cum Representation for appointment of Mr. Sawmeet Sandip Salvi, on compassionate ground at the place of deceased Sandip Dharma Salvi, who died during the service on 2-10-2020 during Covid.

Sir/Madam,

Under the instruction from my client Mrs. Priti Sandip Salvi, permanent resident of Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad, I have to address you as under :-

1. My client states that my client was married with one Mr. Sandip Dharma Salvi and he was employed under the Zilla Parishad and at the time of the death on 2-10-2020 he was posted and working at Panvel, under the Zilla Parishad. My client states that out of the wedlock there are three sons namely Mr. Prasenjeet Sandip Salvi, Mr. Saumit Sandip Salvi and Mr. Samadhan Sandip Salvi.

2. My client states that during the time of service, the said Mr. Sandip was very sincere and punctual and there was no any type of complaint of any nature against him. My client states that in the year 2020 he was posted and working at Panvel, as an employee of Zilla Parishad Raigad.

लेखनिक 31/10/2023
मध्यवर्ती नोंदणी शाखा
रायगड जिल्हा परिषद,अलिबाग
402 201

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3. My client states that the said Mr. Sandip was only the working member and his income was only the source of livelihood of the family and growing children. My client states that in the absence of Mr. sandip, there is no source of income and the life of my client's family has become miserable and even she is not in position to continue the education of children.
4. My client states that since the death of Mr. Sandip occurred during the service, my client and or any of her family member (any of the son) is entitled for the service under the Zilla Parishad on the compassionate ground as per rules and prevailing law.

5. My client states that my client has addressed several letters and representation to the Zilla Parishad as well as the other higher officials, requesting therein for appointment on the compassionate ground but on all occasion the request of my client was turned down on the pretext that since my client has three sons and third son is also born after the datum line of 31-12 2001, my client is not entitled for the appointment on the compassionate ground.

6. My client states that my client has already made an application with request to appointment on compassionate ground but my client received a letter dated 24-07-2023 issued by Raigad Zilla Parishad, (Gram-Panchayat Department), stating therein that as per the circular dated 8-3-2001 and 21-09-2017, if any of the employee has third child after 31-12-2001, then his family will not be considered eligible for the compassionate appointment. My client states that and finally my client was denied only on the ground as mentioned in the said letter dated 24-7-2023.

7. My client states that the reason mentioned in the said Letter is not appearing to be just and cannot be justified as the said Circular of the 8-3-2001 is not in existence

NOTARY * GOVT OF INDIA *

and same has been declared unconstitutional by the Hon'ble High Court. Details are as under :-

LEGEL-POSITION

A. My client states that the similar matter came in the **Hon'ble High Court by way of Writ Petition No. 7742 of 2014,** in which the deceased had three children and the deceased family was denied from the compassionate appointment by the Nasik Zilla Parishad on the same ground of more than two children. My client states that at the time of final decision on 3-7-2019, the Hon'blwe Division Bench of the their Lordships Chief justice Pradeep Nandrajog and N. M. Jamdar, in para 7 of the judgment declared the said Circular unconstitutional and therefore the said Circular dated 31-12-2001 is not in operation. The copy of the said Order is annexed herewith for your kind perusal.

B. My client further states that Similar matter was arisen for the consideration before the **Hon'ble Mahatashtra Administrative Tribunal at Mumbai** in original Application No. 1326 of 2022, in which a police Officer was died in harness and he had three children, however after considering the facts and circumstances of the case, the Hon'ble Tribunal allowed the application and set aside the communication/ letter by which his family was denied and further the authority were directed to consider the claim of the applicant on compassionate ground. The copy of the Order dated 13-7-2023 is annexed herewith for your kind perusal and consideration.

C. My client states that there are several similar matter which has been considered by the Maharashtra Administrative Tribunal by keeping aside the said Circular of the 31-12-2001, and allowed the application of the applicants who had even more that two children. My client states that similar view was taken by the Maharashtra Administrative Tribunal Nagpur in the case of Original Applications Nos. 158 of 2021 and 161 of 2021.

NOTARY Adv. Shivaji N. Dhanage Mumbai Maharashtra Regn. No. 15376 GOVT OF INDIA

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8. My client states that my client is entitled for the appointment on the compassionate ground in lieu of the death of Mr. Sandip Dharma Salvi and therefroe it is necessary and equitable that your good-self may set-aside and recall the communication / letter dated 24-7-2023, in view of the above discussion and judgment and consider the eligibility of my client for appointment on compassionate ground.

You are therefore humbly requested on behalf of my client to consider the present case in the light of above discussion and judgment of the Hon'ble high Court as well as the Maharashtra Administrative Tribunals and set aside/ recall the communication / letter dated 24-7-2023 and consider the case of my client in the light of prevailing judgments and also on humanitarian ground for appointment on the compassionate ground in lieu of the death of her husband Mr. Sandip Dharma Salvi, failing which my client shall have no alternate but to approach the court of law for appropriate relief.

प्रिती संदिप साळवी
(Mrs. Priti Sandip Salvi)

(Advocate)

Enclosed –

1. Copy of Order dated 3-7-2019 in WP No. 7742 of 2014
2. Copy of Order dated 13-7-2023 in original Application No. 1326 of 2022, by MAT, Mumbai

C. C. To

The Hon'ble Minister Rural Development,
Mantralay,
Mumbai 400 023

RM036598991IN IVR:B2770365
RL MUMBAI GPO (400001)
Counter No:2,02/11/2023,17:
To:MADHYAWARTI N.ZP
PIN:402201, Alibag HO
From:ADV. J S YA,26 SHREENATH BHA
Wt:70gms Ack Fee:3.00,REG=17.0
Amt:47.20(Cash)Tax:7.20
<Track on www.indiapost.gov.in>
<Dial 1800266868> <Wear Masks, Stay Safe

Ex-G

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J. S. Yadav B. A. LL.B.

Advocate High Court

Office Correspondence Room No.26, 2nd Floor, Shrinath Bhavan, 27, Picket Cross Road, Mumbai – 400 002

Mobile No.9987189233

Ref No._____

Date 28.11.2023

To,

The Chief Executive Officer,

Raigad Zilla Parishad,

Shivtirth, Raigad Zilla Parishad Administrative Building.

Alibaug, Dist Raigad,

Maharashtra 402 201

REMINDER-1

Sub :- Letter of Request cum Representation for appointment of Mr. Sawmeet Sandip Salvi, on compassionate ground at the place of deceased Sandip Dharma Salvi, who died during the service on 2-10-2020 during Covid.

Sir/Madam,

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1. My client states that my client was married with one Mr. Sandip Dharma Salvi and he was employed under the Zilla Parishad and at the time of the death on 2-10-2020 he was posted and working at Panvel, under the Zilla Parishad. My client states that out of the wedlock there are three sons namely Mr. Prasenjeet Sandip Salvi, Mr. Saumit Sandip Salvi and Mr. Samadhan Sandip Salvi.

2. My client states that during the time of service, the said Mr. Sandip was very sincere and punctual and there was no any type of complaint of any nature against him. My client states that in the year 2020 he was posted and working at Panvel, as an employee of Zilla Parishad Raigad.

3. My client states that the said Mr. Sandip was only the working member and his income was only the source of livelihood of the family and growing children. My client states that in the absence of Mr. sandip, there is no source of income and the life of my client's family has become miserable and even she is not in position to continue the education of children.
4. My client states that since the death of Mr. Sandip occurred during the service, my client and or any of her family member (any of the son) is entitled for the service

42

under the Zilla Parishad on the compassionate ground as per rules and prevailing law.

5. My client states that my client has addressed several letters and representation to the Zilla Parishad as well as the other higher officials, requesting therein for appointment on the compassionate ground but on all occasion the request of my client was turned down on the pretext that since my client has three sons and third son is also born after the datum line of 31-12 2001, my client is not entitled for the appointment on the compassionate ground.

6. My client states that my client has already made an application with request to appointment on compassionate ground but my client received a letter dated 24-07-2023 issued by Raigad Zilla Parishad, (Gram-Panchayat Department), stating therein that as per the circular dated 8-3-2001 and 21-09-2017, if any of the employee has third child after 31-12-2001, then his family will not be considered eligible for the compassionate appointment. My client states that and finally my client was denied only on the ground as mentioned in the said letter dated 24-7-2023.

7. My client states that the reason mentioned in the said Letter is not appearing to be just and cannot be justified as the said Circular of the 8-3-2001 is not in existence and same has been declared unconstitutional by the Hon'ble High Court. Details are as under :-

LEGEL-POSITION

A. My client states that the similar matter came in the **Hon'ble High Court by way of Writ Petition No. 7742 of 2014,** in which the deceased had three children and the deceased family was denied from the compassionate appointment by the Nasik Zilla Parishad on the same ground of more than two children. My client states that at the time of final decision on 3-7-2019, the Hon'blwe Division Bench of the their Lordships Chief justice Pradeep Nandrajog and N. M. Jamdar, in para 7 of the judgment declared the said Circular unconstitutional and therefore the said Circular dated 31-12-2001 is not in operation. The copy of the said Order is annexed herewith for your kind perusal.

B. My client further states that Similar matter was arisen for the consideration before the **Hon'ble Mahatashtra Administrative Tribunal at Mumbai** in original Application No. 1326 of 2022, in which a police Officer was died in harness and he had three children, however after considering the facts and circumstances of the case, the Hon'ble Tribunal allowed the application and set aside the communication/ letter by which his family was denied and further the authority were directed to consider the claim of the applicant on compassionate ground. The copy of the Order dated 13-7-2023 is annexed herewith for your kind perusal and consideration.

NOTARY

C. My client states that there are several similar matter which has been considered by the Maharashtra Administrative Tribunal by keeping aside the said Circular of the 31-12-2001, and allowed the application of the applicants who had even more that two children. My client states that similar view was taken by the Maharashtra Administrative Tribunal Nagpur in the case of Original Applications Nos. 158 of 2021 and 161 of 2021.

8. My client states that my client is entitled for the appointment on the compassionate ground in lieu of the death of Mr. Sandip Dharma Salvi and therefroe it is necessary and equitable that your good-self may set-aside and recall the communication / letter dated 24-7-2023, in view of the above discussion and judgment and consider the eligibility of my client for appointment on compassionate ground.
9. My client states that my client has already issued a Letter of Representation to you for the same reason with request to consider the same and communicate your decision and the said Letter of request was duly served upon you on 30-10-2023 and 31-10-2023 but till date no order and decision was communicated to me or my client. My client is addressing this final letter requesting your good-self to consider the same and communicate your decision to my client, failing which my client shall have no alternate but to adopt legal proceedings on your entire risk as to cost and consequences.

You are therefore humbly requested on behalf of my client to consider the present case in the light of above discussion and judgment of the Hon'ble high Court as well as the Maharashtra Administrative Tribunals and set aside/ recall the communication / letter dated 24-7-2023 and consider the case of my client in the light of prevailing judgments and also on humanitarian ground for appointment on the compassionate ground in lieu of the death of her husband Mr. Sandip Dharma Salvi, and communicate the decision within 15 days, failing which my client shall have no alternate but to approach the court of law for appropriate relief.

प्रिती संदिप सळवी
(Mrs. Priti Sandip Salvi)

(Advocate)

Enclosed –

1. Copy of Order dated 3-7-2019 in WP No. 7742 of 2014
2. Copy of Order dated 13-7-2023 in original Application No. 1326 of 2022, by MAT, Mumbai

C. C. To ...The Hon'ble Minister Rural Development,
Mantralay,
Mumbai 400 023

NOTARY
Adv. Shivaji N. Dhanage
Mumbai Maharashtra
Reg. No. 15376
GOVT OF INDIA

RPAD

Ex-H

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रायगड जिल्हा परिषद,अलिबाग
(ग्रामपंचायत विभाग)
शिवतीर्थ, रायगड जिल्हा परिषद प्रशासकिय इमारत,
दुसरा मजला, अलिबाग, जि. रायगड, पिनकोड-४०२२०१

ई-मेल - dyceovpraigad3@gmail.com, दुरध्वनीक्र.०२१४१-२२२२३२

जा.क्र.राजिप/ग्रापं/आस्था-२/ /२०२३ दिनांक १२ /१२/२०२३

११६६२

प्रति,

Adv. Shri. J. S. Yadav
Office correspondence room no २६
२ nd floor, Shrinath Bhavan,
२७, Picket cross road
Mumbai ४०० ००२

विषय:- अनुकंपा तत्वावर नोकरी मिळणेबाबत.
(श्रीम. प्रिती संदिप साळवी (कै. श्री. संदिप धर्मा साळवी, मयत ग्रामसेवक यांच्या पत्नी)

संदर्भ:- १. आपली दिनांक ३०.१०.२०२३ रोजीची नोटीस
२. सामान्य प्रशासन विभागाकडील शासन निर्णय दिनांक २८.०३.२००१
३. सामान्य प्रशासन विभागाकडील शासन निर्णय दिनांक २१.०९.२०१७
४. मा मुख्य कार्यकारी अधिकारी यांचेकडील आदेश क्र. राजिप/साप्रशा/ग्रांप/आस्था-१ /१८१३५/२०१९ दिनांक १२.०७.२०१९
५. या कार्यालयाकडील पत्र क्र.राजिप/साप्रवि/ग्रापं/आस्था-२/१३५४१/२०२१ दिनांक २४.०६.२०२१
६. या कार्यालयाकडील पत्र क्र.राजिप/ग्रापं/आस्था-२/१७३०४/२०२२ दि ३०.०९.२०२२
७. या कार्यालयाकडील पत्र क्र.राजिप/ग्रापं/आस्था-२/२११०९/२०२२ दि. ०२.१२.२०२२
८. या कार्यालयाकडील पत्र क्र.राजिप/ग्रापं/आस्था-२/८३८५/२०२३ दि. २४.०७.२०२३

उपरोक्त संदर्भिय विषयानुसार श्रीम. प्रिती संदिप साळवी यांनी त्यांचे पती कै. श्री. संदिप धर्मा साळवी हे कोवीड १९ या रोगाच्या संसर्गाने मयत झाले असल्यामुळे त्यांचा मुलगा श्री. सौमित संदिप साळवी यांस अनुकंपा तत्वावर नोकरी मिळणेबाबतचा अर्ज प्राप्त झाला आहे. सदर अर्जामध्ये आपण उल्लेख केल्यानुसार कै. श्री. संदिप धर्मा साळवी ग्रामसेवक हे कोवीड १९ या रोगाच्या काळात दिनांक ०२.१०.२०२० रोजी मयत झाले आहेत. त्यामुळे त्यांच्या वारसांना अनुकंपा तत्वावर नोकरीचा लाभ द्यावा,असे कळविले आहे.

परंतु कै. श्री. संदिप धर्मा साळवी, मयत ग्रामसेवक यांना उपरोक्त संदर्भ क्र. ०४ अन्वये ग्रामपंचायत पाले बुद्रुक ता. पनवेल जि.रायगड येथील ग्रामसेवक व सरपंच या नावाचे बनावट शिक्के तयार करून ग्रामपंचायतीचे नाव बनावट लेटरहेड तयार करून त्यात नाहरकतचा मजकूर लिहून ग्रामपंचायतीची परवानगी आहे असे दुय्यम निबंधक क्र. ५ यांना भासवून त्याआधारे नवीन चाळ आरोपी श्री. सुरेश बबन उसाटकर वय ३४ वर्षे रा. दुंदरे, पो मोरबे,ता. पनवेल जि. रायगड यांनी फिर्यादी यांची फसवणूक केली असून सदर प्रकरणात सहभागी असलेले आरोपी श्री. संदिप धर्मा साळवी, ग्रामसेवक , गृप ग्रामपंचायत खैरवाडी, ता. पनवेल यांचे विरूद्ध पनेवल शहर पोलिसस्टेशन येथे कॉ.गु.र.नं. ३३/२०१८ भादवि क्र. ४६५,४६७,४६८,४७८,४७२,४२० आणि प्रमाणे दिनांक २१.०२.२०१८ रोजी

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२०.१० वाजता गुन्हा दाखल करून त्यांना दिनांक २६.०६.२०१९ रोजी १३.५० वाजता अटक करण्यात आल्याने निलंबित करण्यात आले होते.

तद्नंतर कै. श्री. संदिप धर्मा साळवी हे दिनांक २६.०६.२०१९ पासुन दिनांक ०२.१०.२०२० पर्यंत निलंबित होते. कै. श्री. संदिप धर्मा साळवी यांचे निलंबन कोवीड काळापूर्वीचे असून कै. श्री साळवी हे कोवीड काळामध्ये प्रत्यक्ष कामावर हजर नव्हते.

तसेच उपरोक्त संदर्भ क्र. ०२ अन्वये सामान्य प्रशासन विभागाकडील शासन निर्णय दि. ८.०३.२००१ मधील मुद्दा क्र. १ (इ) नुसार व ०३ दि. २१.०९.२०१७ चे (६) नुसार दि.३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचाऱ्यांच्या कुटूंबियांना अनुकंपा तत्वावर नियुक्तीसाठी पात्र समजले जाणार नाही असे नमूद आहे. याबाबत श्रीम. प्रिती संदिप साळवी (कै. श्री. संदिप धर्मा साळवी, मयत ग्रामसेवक यांच्या पत्नी) हयांना उपरोक्त संदर्भ क्र. ०५ ते ०८ अन्वये वारंवार कळविण्यात आले आहे.

त्यामुळे आपण केलेल्या दाव्यानुसार कै. श्री. संदिप धर्मा साळवी मयत ग्रामसेवक हे दिनांक २६.०६.२०१९ ते मयत दिनांक ०२.१०.२०२० या कालावधीत कर्तव्यावर हजर नसल्याने तसेच उपरोक्त संदर्भ क्र. ०२ व ०३ शासन निर्णयातील तरतूदीनुसार दि.३१ डिसेंबर २००१ नंतर तिसरे अपत्य झालेल्या कर्मचाऱ्यांच्या कुटूंबियांना अनुकंपा तत्वावर नियुक्तीसाठी पात्र समजले जात नसल्याने कै. श्री. साळवी यांच्या वारसांना अनुकंपा तत्वावर नोकरीचा लाभ देता येणार नाही.

सदरची बाब आपले माहितीस्तव सादर.

सोबत: संदर्भ क्र- 02 ते 08 ची प्रत

डॉ. भरत बास्टेवाड (भा.प्र.से.)
मुख्य कार्यकारी अधिकारी
रायगड जिल्हा परिषद, अलिबाग

प्रत :- माहितीसाठी
१. श्रीम. प्रिती संदीप साळवी, मु. मुठवली, पो सव, ता.महाड, जि. रायगड यांना माहितीसाठी रवाना.

NOTARY
GOVT OF INDIA

Ex-I 01

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J. S. Yadav B. A. LL.B.

Advocate High Court

Office Correspondence Room No.26, 2nd Floor, Shrinath Bhavan, 27, Picket Cross Road, Mumbai – 400 002

Mobile No.9987189233

Ref No._____

Date 02/02/2024

RM109200642IN IVR:827109200642
RL MUMBAI GPO <400001>
Counter No:3.03/02/2024.11:44
To: LEKHANIK .MADHYVARTI MONDA
PIN:402201. Alibag HO
From:J S YADAV A.26 SHREENATH BAH
Wt:90gms Ack Fee:3.00.REG=17.0
Amt:53.10(Cash)Tax:B.10
<Track on www.indiapost.gov.in>

To,

The Chief Executive Officer,

Raigad Zilla Parishad,

Shivtirth, Raigad Zilla Parishad Administrative Building.

Alibaug, Dist Raigad,

Maharashtra 402 201

Sub :- Reply to the Letter dated 12-12-2023, as well as Letter of Request cum Representation for appointment of Mr. Sawmeet Sandip Salvi, on compassionate ground at the place of deceased Sandip Dharma Salvi, who died during the service on 2-10-2020 during Covid.

Sir/Madam,

Under the instruction from my client Mrs. Priti Sandip Salvi, permanent resident of Village – Muthwalli, Post - Sav, Taluka - Mhad, Dist - Raigad, I have to address you as under :-

1. My client states that my client was married with one Mr. Sandip Dharma Salvi and he was employed under the Zilla Parishad and at the time of the death on 2-10-2020 he was posted and working at Panvel, under the Zilla Parishad. My client states that out of the wedlock there are three sons namely Mr. Prasenjeet Sandip Salvi, Mr. Saumit Sandip Salvi and Mr. Samadhan Sandip Salvi.

2. My client states that in the year 2020 he was posted and working at Panvel, as an employee of Zilla Parishad Raigad and during the Covid period the said Mr. Sandip Dharma Salvi died. My client states that my client states that my client has made several representation before the authority concerned and they have replied the same and denied to provide job on compassionate ground only because the said Sandip Dharma Salvi had three children and therefore they are not eligible.

3. My client states that in the reply dated 12-12-2023 to the Letter and representation dated 30-10-2023, for the first time, my client was intimated that since the Sandip

NOTARY Adv. Rajiv N. Dhanage Mumbai Maharashtra Reg. No. 15375 GOVT OF INDIA

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D. Salvi was suspended at the time of the death,, his family members are not eligible for the compassionate service at the place of deceased Sandip Dharma Salvi. My client states that the it is true that the said sandip Dharma Salvi was suspended and he died before the filing of charge sheet and or never found guilty of the offences as registered under FIR No. 33 of 2018. My client states that the said reply is nothing but the avoiding tendency of the authority concerned from providing the compassionate job to the family of the deceased.

My client states that my client states that the said Reply dated 12-12-2023 is against the General Order and Letter dated 26-2-2021, issued by Employment Authority, Raigad District Parishad, Alibaug, (Gram-Panchayat Department), held that the service of deceased Sandip Dharma Salvi is continued/ regularized and all the payment and allowances will be paid to the family of the deceased Sandip Dharma Salvi.

My client states my client is annexing the letter dated 26-2-2021, for your kind perusal and consideration. My client is one again disclosing the all facs regarding the case and humbly requested to consider the same and pass necessary and reasoned order at per law.

4. My client states that the said Mr. Sandip was only the working member and his income was only the source of livelihood of the family and growing children. My client states that in the absence of Mr. sandip, there is no source of income and the life of my client's family has become miserable and even she is not in position to continue the education of children.

5. My client states that since the death of Mr. Sandip occurred during the service, my client and or any of her family member (any of the son) is entitled for the service under the Zilla Parishad on the compassionate ground as per rules and prevailing law.

6. My client states that my client has addressed several letters and representation to the Zilla Parishad as well as the other higher officials, requesting therein for appointment on the compassionate ground but on all occasion the request of my client was turned down on the pretext that since my client has three sons and third son is also born after the datum line of 31-12 2001, my client is not entitled for the appointment on the compassionate ground.

7. My client states that my client has already made an application with request to appointment on compassionate ground but my client received a letter dated 24-07-2023 issued by Raigad Zilla Parishad, (Gram-Panchayat Department), stating therein that as per the circular dated 8-3-2001 and 21-09-2017, if any of the

employee has third child after 31-12-2001, then his family will not be considered eligible for the compassionate appointment. My client states that and finally my client was denied only on the ground as mentioned in the said letter dated 24-7-2023.

8. My client states that the reason mentioned in the said Letter is not appearing to be just and cannot be justified as the said Circular of the 8-3-2001 is not in existence and same has been declared unconstitutional by the Hon'ble High Court. Details are as under :-

LEGEL-POSITION

A. My client states that the similar matter came in the **Hon'ble High Court by way of Writ Petition No. 7742 of 2014,** in which the deceased had three children and the deceased family was denied from the compassionate appointment by the Nasik Zilla Parishad on the same ground of more than two children. My client states that at the time of final decision on 3-7-2019, the Hon'blwe Division Bench of the their Lordships Chief justice Pradeep Nandrajog and N. M. Jamdar, in para 7 of the judgment declared the said Circular unconstitutional and therefore the said Circular dated 31-12-2001 is not in operation. The copy of the said Order is annexed herewith for your kind perusal.

B. My client further states that Similar matter was arisen for the consideration before the **Hon'ble Mahatashtra Administrative Tribunal at Mumbai** in original Application No. 1326 of 2022, in which a police Officer was died in harness and he had three children, however after considering the facts and circumstances of the case, the Hon'ble Tribunal allowed the application and set aside the communication/ letter by which his family was denied and further the authority were directed to consider the claim of the applicant on compassionate ground. The copy of the Order dated 13-7-2023 is annexed herewith for your kind perusal and consideration.

C. My client states that there are several similar matter which has been considered by the Maharashtra Administrative Tribunal by keeping aside the said Circular of the 31-12-2001, and allowed the application of the applicants who had even more that two children. My client states that similar view was taken by the Maharashtra Administrative Tribunal Nagpur in the case of Original Applications Nos. 158 of 2021 and 161 of 2021.

9. My client states that my client is entitled for the appointment on the compassionate ground in lieu of the death of Mr. Sandip Dharma Salvi and therefroe it is necessary and equitable that your good-self may set-aside and recall the communication / letter dated 24-7-2023, in view of the above discussion and

NOTARY GOVT OF INDIA

judgment and consider the eligibility of my client for appointment on compassionate ground.

10. My client states that my client has already issued a Letter of Representation to you for the same reason with request to consider the same and communicate your decision. My client states that my client states that the said Reply dated 12-12-2023 is against the General Order and Letter dated 26-2-2021, issued by Employment Authority, Raigad District Parishad, Alibaug, (Gram-Panchayat Department), held that the service of deceased Sandip Dharma Salvi is continued/ regularized and all the payment and allowances will be paid to the family of the deceased Sandip Dharma Salvi. My client is addressing this final letter requesting your good-self to consider the same and communicate your decision to my client, failing which my client shall have no alternate but to adopt legal proceedings on your entire risk as to cost and consequences.

You are therefore humbly requested on behalf of my client to consider the present case in the light of above discussion and judgment of the Hon'ble high Court as well as the Maharashtra Administrative Tribunals and set aside/ recall the communication / letter dated 24-7-2023 and consider the case of my client in the light of prevailing judgments and also on humanitarian ground for appointment on the compassionate ground in lieu of the death of her husband Mr. Sandip Dharma Salvi, and communicate the decision within 15 days, failing which my client shall have no alternate but to approach the court of law for appropriate relief.

प्रिती संदिप सळवी
(Mrs. Priti Sandip Salvi)

(Advocate)

Enclosed –

1. Copy of Letter dated 26-2-2021
2. Copy of Order dated 3-7-2019 in WP No. 7742 of 2014
3. Copy of Order dated 13-7-2023 in original Application No. 1326 of 2022, by MAT, Mumbai

C. C. To ...The Hon'ble Minister Rural Development, Mantralay, Mumbai 400 023

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IN THE MAHARASHTRA

ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH
ORIGINAL APPLICATION No. of

2024

Mrs. Priti Sandi

Salvi & Ors. ...Applicants

Versus

State of Maharashtra

& Ors. ...Respondents

Original Application

Dated _____of July 2024

02 JUL 2024

NOTARY Adv. Shivaji N. Dhanage Mumbai Maharashtra Regd.No.15376 GOVT. OF INDIA

Adv J. S. Yadav,

26, 2nd Floor, Shrinath Bhavan,

27, Picket Cross Road,

Mumbai 400 002

NOTARY Adv. Shivaji N. Dhanage Mumbai Maharashtra Reg. No. 15376 GOVT OF INDIA