

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 112 OF 2023
(Subject – Compassionate Appointment)**

DISTRICT : LATUR

1. **Aanuradha W/o Limbaji Sonkamble,**)
Age : 45 Years, Occ. : Household,)
R/o Krishnakant Chowk, Udgir,)
Tq. Udgir, Dist. Latur.)
2. **Ajay S/o Limbaji Sonkamble,**)
Age : 25 Years, Occ. : Household,)
R/o Krishnakant Chowk, Udgir,)
Tq. Udgir, Dist. Latur.)

.... **APPLICANTS**

V E R S U S

1. **The State of Maharashtra,**)
Through Its Secretary,)
Home Department, Maharashtra State,)
Mantralaya, Mumbai- 32.)
2. **Special Inspector General of Police,**)
Nanded Range, Nanded.)
3. **The Superintendent of Police,**)
Latur, Dist. Latur.)

... **RESPONDENTS**

APPEARANCE : Shri K.G. Salunke, learned counsel for the
applicants.

: Shri A.P. Basarkar, learned Presenting Officer
for the respondent authorities.

CORAM : Justice Shri Vinay Joshi, Member (J)

DATE : 12.12.2024

ORAL - ORDER

1. Heard finally with the consent of both the sides at stage of admission.

2. The applicant No. 1's husband and applicant No. 2's father was in service of respondent No. 3 as Police Naik. The father of applicant No. 2 died in harness while in service on 03.08.2020. The applicant No. 1 (widow) has applied on 31.08.2020 seeking appointment on compassionate grounds to her son i.e. application No. 2. However, respondent No. 3 has rejected the same vide impugned communication dated 23.02.2021. The rejection is solely based on the rider imposed under clause-E of the G.R. dated 28.03.2001. Meaning thereby the applicant is disqualified as third child was born to the deceased Government servant after cut-off date i.e. 31.12.2001.

3. Applicants learned counsel relied on the decision of Hon'ble High Court (Nagpur Bench) in **W.P. No. 2349/2023 (Shri Amol Hiralal Telrandhe Vs. The State of Maharashtra and Ors.)** rendered on 01.07.2024 (of which this Member is one of the party), wherein the similar issue was exhaustively dealt with by the Hon'ble High Court. It has been ruled that Clause-E of the G.R. dated 28.03.2001 shall be read that cut-off date is

28.03.2002 instead of 31.12.2001. In above background, the applicants learned counsel would submit that the last child was born to deceased Government servant on 10.03.2002 i.e. before the cut-off date 28.03.2002 as explained by the Hon'ble High Court. It can be seen that the rejection is solely on the said ground. Perhaps the authority may not have assessed the applicants' eligibility on other criteria, as it was under impression that Clause-E would disqualify him. In the circumstances, the applicants entitlement cannot be decline solely on the premise of Clause-E of the G.R. dated 28.03.2001. The authority is required to test eligibility on other parameters. In view of above, the present Original Application deserves to be allowed. Hence, the following order :-

ORDER

- (i) The Original Application is hereby allowed.
- (ii) The impugned communication dated 23.02.2021 is hereby quashed and set aside.
- (iii) Respondent No. 3 is hereby directed to reassess the applicants' eligibility for compassionate appointment on other criteria.
- (iv) It is made clear that his candidature/ appointment shall not be rejected on the ground of rider imposed in Clause-E of the G.R. dated 28.03.2001.

- (v) The said exercise shall be completed within a period of eight weeks from the date of this order.
- (vi) The authority shall verify that all children born to deceased Government servant shall have born before the extended cut-off date i.e. 28.03.2002 as explained by the Hon'ble High Court (Nagpur Bench) in the above decision.
- (vii) The Original Application stands disposed of in above terms.
No order as to costs.

(Justice Vinay Joshi)
Member (J)

PLACE : Aurangabad.

DATE : 12.12.2024

KPB S.B. O.A. No. 112 of 2023 VJ Compassionate Appointment