

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

ORIGINAL APPLICATION NO. 161 OF 2024

DISTRICT : AURANGABAD

Rajeshri W/o Rajesh Gode,)
Age : 41 years, Occu. : None,)
R/o Eknathnagar, Vanjarwadi Road,)
Sharnapur, Tal. & Dist. Aurangabad.)
.... **APPLICANT**

V E R S U S

1. The Collector,)
Dist. Aurangabad.)
2. The Tahsildar,)
Tal. Vaijapur, Dist. Aurangabad.)
... **RESPONDENTS**

APPEARANCE : Shri R.S. Pawar, Counsel for Applicant.

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

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 07.05.2024

O R A L - O R D E R

1. Heard Shri R.S. Pawar, learned counsel appearing for the applicant and Shri A.P. Basarkar, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the parties at the admission stage itself.

3. This is about the compassionate appointment of the applicant, who is the widow of the Government employee died in harness during the tenure of his service.

4. Learned counsel for the applicant submits that the applicant's name is entered in the waiting list maintained for appointment on compassionate ground. Learned counsel has pointed out from the said list that name of the applicant is at Sr. No. 84 in the General Waiting List and so far as the departmental waiting list is concerned, where her husband was working, she is at Sr. No. 2 in the said waiting list of the year 2023.

5. Learned counsel for the applicant submits that in terms of the said waiting list particularly remarks column, the applicant's case is kept in abeyance at present only for the reason that the applicant has approached this Tribunal. Learned counsel has pointed out that the juniors of the applicant in the said waiting list have been given appointment so far and the applicant's case kept in abeyance only for the reason that she has approached this Tribunal. In view of the same, it is necessary to direct the respondents to give compassionate appointment to the applicant in time bound manner.

6. Learned Presenting Officer submits that he has no instructions. However, after going through the seniority list particularly remarks column, learned Presenting Officer submits that necessary directions may be given to the respondent authorities to give appointment to the applicant on compassionate ground, if she fulfills the eligibility criteria and in terms of her seniority in the waiting list.

7. There is no apparent reason to deny the compassionate appointment to the applicant. It is apparent that when the name of the applicant is already entered in the waiting list, she has fulfilled eligibility criteria completely. The husband of the applicant died on 19.07.2015 and the applicant has filed application on 01.09.2015 seeking appointment of compassionate ground i.e. within two months. It is pertinent and surprising that the applicant's name is not considered for appointment on compassionate ground only for the reason that the present Original Application is pending before this Tribunal. This Tribunal strongly condemn the aforesaid approach of the department. Hence, the following order :-

ORDER

- (i) The Original Application No. 161/2024 is hereby allowed.

- (ii) The respondents are hereby directed to issue appointment order on compassionate ground in favour of the applicant within a period of three months from the date of this order.
- (iii) In the circumstances, there shall be no order as to costs.
- (iv) The Original Application is accordingly disposed of.

PLACE : Aurangabad.
DATE : 07.05.2024

(Justice V.K. Jadhav)
Member (J)

KPB S.B. O.A. No. 161 of 2024 VKJ Compassionate Appointment