

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 28 of 2018 (S.B.)**

Shubham S/o Ramchandra Borule,
Aged about: 22 years, Occu.: Nil,
R/o. Opp. Matoshri School, Behind Bouddha Vihar,
Tukum, Chandrapur.

Applicant.

Versus

- 1) The State of Maharashtra through,
Secretary, Public Works Department,
Mantralaya, Mumbai 400032.
- 2) The Chief Engineer, (Regional Office),
Public Works Department, Civil Lines, Nagpur.
- 3) The Superintendent Engineer, Circle Office,
Chandrapur.

Respondents.

S/Shri G.G. Bade, P.P. Khaparde, Advocates for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 17/02/2025.

JUDGMENT

1. Heard Shri G.G. Bade, learned counsel for the applicant and
Shri A.M. Khadatkhar, learned P.O. for the respondents.
2. The case of the applicant in short is as under –

The father of applicant namely Ramchandra Kawduji Borule was appointed as a Junior Clerk with the respondent department. He died on 01/04/2006. Mother of applicant namely Shakuntala Ramchandra

Borule moved an application for appointment on compassionate ground on 21/07/2006. Her name was entered in the waiting seniority list. Her name was deleted from the waiting seniority list after completion of 40 years of age as per the Govt. G.R. Present applicant i.e. son of deceased employee applied for appointment on compassionate ground on 13/07/2017. The said application is not decided by the respondents. Hence, the applicant approached to this Tribunal for the following reliefs –

“(9) (i) Direct the respondent department to appoint the applicant on compassionate ground on account of death of his father on 01/04/2006.

3. The O.A. is strongly opposed by the respondents. As per submission of learned P.O., name of mother of applicant was entered in the waiting seniority list. She has completed 40 years of age, therefore, as per the G.R. of 2005, name of mother of applicant was removed from the waiting seniority list in the year 2008. Since 2008, till the filing of application by the applicant in the year 2017, there was no any application by the applicant for substitution his name in place of his mother. Hence, the O.A. is liable to be dismissed.

4. Nothing is filed on record to show that when the name of mother of applicant was kept in the waiting seniority list, the applicant had applied for substitution. As per the submission of learned counsel for

applicant, the applicant was aged about 22 years in the year 2017. Therefore, it is clear that the applicant had not moved any application for substitution within one year after completion of age of majority i.e. 18 years. Hence, the applicant cannot claim the benefit of the G.R. of 2017. Moreover, there was no any name of mother of applicant in the waiting seniority list in the year 2017. Therefore, the applicant cannot claim substitution of his name in place of his mother. Hence, the following order –

ORDER

- (i) The O.A. is dismissed.
- (ii) No order as to costs.

Dated :- 17/02/2025.

(Justice M.G. Giratkar)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 17/02/2025.