

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 135 of 2020 (S.B.)**

Shri Mangesh Vinayakrao Joge,  
Aged 28 yrs, Occu: Nil,  
R/o Vani Ganeshpur, Tq. Nandgaon (KH.) Dist, Amravati.

**Applicant.**

**Versus**

1. State of Maharashtra through its  
Principal Secretary, General Administration Department,  
Mumbai-32.
2. Hon'ble Collector, Amravati.
3. Chief Executive Engineer P.W.D. at Amravati Division,  
Amravati.
4. Superintending Engineer, P.W.D. Department,  
Amravati.
5. Sub-Division Engineer,  
Special Project Officer, P.W.D. Amravati Division.

**Respondents.**

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**Shri S.S. Patil, Advocate for the applicant.**  
**Shri V.A. Kulkarni, learned P.O. for respondents.**

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

**Dated :- 10/06/2024.**

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**J U D G M E N T**

Heard Shri S.S. Patil, learned counsel for the applicant  
and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The father of applicant namely Vinayakrao Joge was  
working as a Mail Majoor from 1994 to 11/01/2007. The father of  
applicant died on 11/01/2007 while he was in service. The applicant

and his mother both applied for appointment on compassionate ground on 18/10/2007. The applicant's mother has stated in her application that her son, i.e., the applicant be appointed on compassionate ground. He be appointed in future. From the contents of her letter, it appears that she applied to appoint the applicant after attaining the age of majority. The respondents returned the said application of applicant on the ground that the applicant had not completed the age of majority. The applicant again applied on 03/04/2014. The said application was forwarded by the Deputy Executive Engineer, Amravati to the Superintendent Engineer, Amravati on 07/04/2014 stating that his application be kindly considered.

3. The respondents have not provided any appointment on compassionate ground and therefore the applicant approached to the Hon'ble Bombay High Court, Bench at Nagpur by filing Writ Petition No.6012/2019. The Hon'ble High Court directed to the petitioner to approach to this Tribunal. Hence, the applicant has filed the present O.A.

4. The O.A. is opposed by the respondents on the ground that the applicant not applied within one year after attaining the age of majority. For the first time he applied on 03/04/2014, i.e., after lapsed

of one year. Hence, appointment on compassionate ground cannot be granted.

5. During the course of submission the learned counsel for the applicant has pointed out the documents filed on record. There is no dispute that father of applicant died on 11/01/2007. The letters of applicant and his mother are dated 18/10/2007. Both the letters show that the applicant be appointed on compassionate ground. The respondents would have kept the applicant's application dated 18/10/2007 pending till he attained the age of majority. Moreover, the respondents have not informed to the mother of applicant as to whether she is ready to work on compassionate ground. The mother of applicant also applied on 18/10/2007. There is no any reason for not appointing the applicant's mother on compassionate ground as per her qualification. The G.R. of 2017 is very clear. As per the G.R. of 2017 it is for the Appointing Authority to guide the dependent of deceased employee in respect of scheme for appointment on compassionate ground. The applicant and his mother had applied immediately within one year after the death of employee Vinayakrao Joge for appointment on compassionate ground. The respondents have informed to the applicant that he had not applied within one year from the date of attaining the age of majority he applied on 03/04/2014 and therefore he is not entitled for appointment on compassionate

ground. It is not the case of the respondents that the applicant not applied immediately.

6. The applicant applied immediately on 18/10/2007. The respondents were at liberty to keep the application pending. As per the guidelines given in the G.R. of 2017 it is the duty of the respondents to guide the family members of the deceased employee about the Scheme for appointment on compassionate ground as per the guidelines given in the G.R. of 2017. The applicant had already applied within one year from the death of his father. His mother also applied within one year, but she was not informed by the respondents. The mother of applicant was / is entitled for appointment on compassionate ground. There was no reason for the respondents not informing to the mother of applicant. Nothing is on record to show that the respondents have informed the mother of applicant as to whether she is ready to work for appointment on compassionate ground. The act of respondents appears to be against the guidelines given in the G.R. of 2017 for appointment on compassionate ground.

7. As per the guidelines in the G.R. of 2017 it is the duty of Appointing Authority to guide the dependent of the deceased employee. Without any guidance, the applicant and his mother applied within one year from the date of death of deceased employee. Instead of taking steps on the application made by applicant and his mother,

they have returned the same to the applicant. Now the respondents cannot say that the applicant has not applied within one year from the date of attaining the age of majority. Hence, the following order –

**ORDER**

(i) The O.A. is allowed.

(ii) The respondents are directed to enter the name of applicant in the waiting seniority list for appointment on compassionate ground and provide the employment as per the seniority, as per rules.

(iii) No order as to costs.

**Dated** :- 10/06/2024.

dnk.

**(Justice M.G. Giratkar)**  
**Vice Chairman.**

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 : 10/06/2024.