

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 435 of 2020 (S.B.)**

1) Suraj Bandu Yermashetti,  
Age- 25 years, Occ-Labour, R/o Allapalli, Tahsil Aheri,  
District- Gadchiroli.

2) Tarabai Krishna Yermashetti  
Age-    years, Occ-retired, household  
R/o Allapalli, Tahsil Aheri, District- Gadchiroli

**Applicants.**

**Versus**

1) State of Maharashtra,  
Through Secretary (Forest),  
Revenue and Forest Department,  
Mantralaya, Mumbai-32.

2) Additional Principal Chief Conservator of Forest  
(Admin Subordinate Cadre) M.S. Nagpur, 2<sup>nd</sup> floor Van Bhawan,  
Ramgiri Road, Civil Lines, Nagpur-440001.

3) Chief Conservator of Forest,  
Vanprashasakiya Bhawan, Potegaon Road,  
Gadchiroli 442605.

4) Deputy Conservator of Forests,  
Allapalli, Vansampada Building,  
In front of Petrol Pump Allapalli,  
Tah- Aheri, District- Gadchiroli, Maharashtra.

**Respondents.**

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**Shri Rohit Joshi, Madhur Deo, N. Chandak, Advs. for the applicants.**

**Shri A.P. Potnis, learned P.O. for respondents.**

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

**Dated :- 15/07/2024.**

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

Heard Shri Madhur Deo, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the respondents.

2. The case of the applicant in short is as under –

Applicant no.2 and her husband both were employed on the post of Safai Kamgar in the Forest Department at Allapalli, District Gadchiroli. Applicant no.2 retired from the post of Safai Kamgar on 31/01/2015. She was a Class-IV employee. Applicant no.1 moved application to respondent no.4 on 02/07/2016 seeking appointment on the post of his grandmother, i.e., applicant no.2 as a Safai Kamgar. The applicant no.1 also prayed to grant compassionate appointment after the death of his grandfather. Respondent no.4 forwarded the said application to respondent no.3. Uncle of applicant no.1 Subbarao Krishna Yermashetti applied for the post of Safai Kamgar in place of his father Krishna Subbarao Yermashetti who died on 28/03/2008 while serving as a Safai Kamgar in the Forest Department. However, during the pendency of the application uncle of applicant no.1 died. Applicant no.1 in short praying appointment on compassionate ground after the death of his grandfather and also after the retirement of his grandmother, i.e., applicant no.2.

3. The O.A. is strongly opposed by respondent nos. 1 to 4 by filing reply. It is submitted that the scheme for appointment on

compassionate ground is very specific as the conditions are laid down in the G.R. dated 10/11/2015 and also in G.R. dated 21/09/2017. At last submitted that the O.A. is liable to be dismissed.

4. The learned counsel for applicant has pointed out the Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.3204/2023 and submitted that the recommendation of Lad-Page Committee is to be continued by the Government. As per the Lad-Page Committee, the legal heirs of Safai Kamgar are entitled to get appointment on compassionate ground.

5. The learned counsel for applicant has pointed out the G.R. dated 10/11/2015 and submitted that applicant no.1 is eligible, therefore, he is entitled for appointment on compassionate ground.

6. Heard learned P.O. Shri A.P. Potnis. As per his submission, applicant no.2 is a retired Class-IV employee. As per rules, she must have getting pension. As per the provisions in the G.R. dated 21/09/2017 grandson is not entitled to get appointment on compassionate ground. The G.R. dated 10/11/2015 is not applicable because applicant no.2 was Class-IV employee, therefore, the O.A. is liable to be dismissed.

7. There is no dispute that as per the G.R. dated 21/09/2017, applicant no.1, i.e., grandson is not eligible to claim compassionate

appointment. In the G.R. dated 10/11/2015, the conditions are laid down for appointment on compassionate ground. Relevant para-2 (1)

(अ) of the G.R. of 2015 is reproduced below –

“शासन निर्णय :

राज्य शासनाच्या विविध विभागांनी यापूर्वी लाड-पागे समितीच्या शिफारशीनुसार सफाई कामगारांच्या वारसांना वारसा पध्दतीने शासकीय/निमशासकीय सेवेत नियुक्ती देण्याबाबत निर्गमित करण्यात आलेले सर्व शासन आदेश, शासन निर्णय अथवा शासन परिपत्रक या शासन निर्णयाद्वारे अधिक्रमित करण्यात येत आहेत.

२. राज्य मंत्रिमंडळाने मा. उच्च न्यायालयाच्या नागपूर खंडपिठात दाखल झालेल्या रिट पिटीशन क्र.६१५५/२०१४ मध्ये दिलेल्या निकालाच्या अनुषंगाने सफाई कामगारांच्या वारसांना किंवा शिफारस केलेल्या व्यक्तीस वारसापध्दतीने शासकीय व निमशासकीय सेवेत नियुक्ती देण्याबाबत घेण्यात आलेल्या निर्णयाच्या अनुषंगाने खालीलप्रमाणे आदेश निर्गमित करण्यात येत आहेत :-

१) राज्य मंत्रिमंडळाने घेतलेल्या निर्णयानुसार या विभागाच्या संदर्भ क्र. ८ येथील दिनांक २६ फेब्रुवारी, २०१४ च्या शासन परिपत्रकातील तरतूदी या शासन निर्णयान्वये कायम ठेवण्यात येत आहेत :-

अ) स्थानिक स्वराज्य संस्थांमधील सफाई कामगारांना त्यांच्या निवृत्तीनंतर, मृत्युनंतर, स्वेच्छा निवृत्तीनंतर किंवा शासन सेवा पूर्ण करण्यास वैद्यकीय दृष्ट्या अपात्र ठरविल्यानंतर त्यांच्या जागी वारसा हक्काने नियुक्ती करण्यात यावी व वारसा हक्कासाठी खालील व्यक्ती पात्र ठरविण्यात याव्यात:-

i) पती/पत्नी ii) मुलगा/सून iii) अविवाहीत मुलगी iv) विधवा/घटस्फोटित मुलगी

v) विधवा/घटस्फोटीत बहीण

vi) वरीलपैकी कोणीही वारस उपलब्ध नसल्यास अथवा सदर वारसांपैकी सफाईचे काम करण्यास तयार नसल्यास संबंधित सफाई कामगारांचा सांभाळ करण्याची लेखी हमी घेणारी कोणतीही नामनिर्देशित व्यक्ती.”

8. As per above conditions in the G.R. of 2015, the applicant is not entitled / eligible to get compassionate appointment. The applicant is a grandson. As per clause (vi) if any legal heir stated in clause nos.(i) to (v) are not available, then who undertakes to maintain

the Safai Kamgar, then he is entitled for appointment on compassionate ground. There is nothing to show that applicant no.1 undertakes to maintain applicant no.2.

9. It is not clear as to whether applicant no.2 is retired as a Safai Kamgar. The O.A. itself shows that she was a Class-IV employee, now she is retired. Therefore, she must have getting the pension. In such situation, legal heir of applicant no.2 is covered by G.R. dated 21/9/2017. As per the G.R. dated 21/09/2017, grandson is not entitled to get appointment on compassionate ground. The learned counsel has relied on the G.R. dated 10/11/2015. As per G.R. dated 10/11/2015 also grandson is not eligible to get appointment on compassionate ground. Hence, the applicant no.1 is not eligible to get employment as per the G.R. dated 10/11/2015 and G.R. dated 21/09/2017. Hence, the following order –

**ORDER**

(i) The O.A. is dismissed.

(ii) No order as to costs.

**Dated** :- 15/07/2024.

**(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 : 15/07/2024.