

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 602 of 2017 (S.B.)**

Shri Pravin Pandurang Lanjewar,
Aged about: 26 years, Occu. Nil,
R/o. Sakoli, Talav Ward, Lakhandur Road, Sakoli,
Tal. Sakoli, Distt. Bhandara.

Applicant.

Versus

- 1) The State of Maharashtra,
through Secretary, Department of General Administration,
Mantralaya, Mumbai-32.
- 2) The State of Maharashtra,
through Secretary, Home Department,
Mantralaya, Mumbai-32.
- 3) The Collector, Bhandara.
- 4) The Superintendent of Police, Bhandara.

Respondents.

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

Shri V.A. Kulkarni, learned P.O. for respondents.

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

Dated :- 15/10/2024.

J U D G M E N T

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

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

The husband of applicant namely Pandurang Lanjewar was working on the post of Police Constable. He died on 06/10/2002 while he was in service. The mother of applicant namely Smt. Geetabai P. Lanjewar moved application for appointment on compassionate ground. Her name was taken on waiting seniority list. Her name was removed from the waiting seniority list by the respondents on the ground that she has completed age of 40 years. Thereafter the applicant, i.e., son of deceased Pandurang Lanjewar applied for appointment on compassionate ground and prayed for substitution of his name. His proposal was forwarded by the respondents on 31/12/2008, but it was not accepted on the ground that there is not provision of substitution in place of the name of his mother Smt. Geetabai P. Lanjewar. Therefore, the applicant has approached to this Tribunal for the following reliefs –

“(9) (i) Direct the respondent department to appoint the applicant on compassionate basis on the post of Police Constable or any other post.”

3. Respondent no.4 has filed reply. As per the reply, name of mother of applicant was taken in waiting seniority list. She had completed 40 years, therefore, her name was removed from the waiting seniority list. The proposal for substitution of name of applicant was forwarded, but it was not accepted because there is no policy of substitution. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for applicant has pointed out the Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad in Writ Petition No.6267/2018 in the case of **Dnyaneshwar S/o Ramkishna Musane Vs. State of Maharashtra & Others**. The Hon'ble High Court has held that unreasonable restrictions imposed by the G.R. dated 20/05/2015 are liable to be deleted. Therefore, direction was given to the Government of Maharashtra, to delete the unreasonable restriction imposed by G.R. dated 20/05/2015 i.e. in respect of non substitution of L.Rs. of the deceased. The learned counsel for applicant has pointed out the Judgment of this Tribunal in O.A.No.165/2023, decided on 03/09/2024. There was another Judgment of the Hon'ble Bombay High Court, Bench at Aurangabad. Because of both contradictory Judgments, the issue was referred to the Full Bench of Hon'ble Bombay High Court, Bench at Nagpur in W.P.No.3701/2022 with connected W.Ps., decided on 28/05/2024. The Full Bench of Hon'ble Bombay High Court, Bench at Nagpur has held that the direction given by the Hon'ble Bombay High Court, Bench at Aurangabad in the case of **Dnyaneshwar S/o Ramkishna Musane Vs. State of Maharashtra & Others** is perfectly legal and correct. As per the said Judgment, the substitution is permitted.

5. In the present O.A., the respondents have taken a stand that substitution is not permitted and therefore the name of applicant is not taken in the waiting seniority list for appointment on compassionate ground. The decision taken by the respondents is not legal and correct. Hence, the following order –

ORDER

(i) The O.A. is allowed.

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

(iii) No order as to costs.

Dated :- 15/10/2024.

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 Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 15/10/2024.