

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1075 OF 2023**

**DISTRICT : Sangli**

**Sub.:- Compassionate Appointment**

Smt. Sadhana Sandeep Tate. )  
Age : 33 Yrs, Occu.: House Widow, )  
R/o. Ahilya Devi Nagar, Dhangar Galli, )  
Urun, Islampur, Tal.: Walva, )  
District : Sangli – 415 409. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Additional Chief Secretary, )  
Home Department, Mantralaya, )  
Mumbai. )
2. The Superintendent of Police, )  
Sangli, Sangli Miraj Road, )  
Vishram Baug, District : 416 415. )
3. The Special Inspector General of )  
Police, Kolhapur Range, Dirivhali, )  
Police Head Quarter Road, )  
Tarabai Park, Kolhapur – 416. )...**Respondents**

**Shri R.M. Kolge, Advocate for Applicant.**

**Shri A.J. Chougule, Presenting Officer for Respondents.**

**CORAM : Shri A.N. Karmarkar, Member-J**

**DATE : 17.10.2024**

**JUDGMENT**

1. The Applicant has sought direction to Respondent No.1 to decide the proposal dated 06.01.2023 forwarded by Respondent No.3 for appointment of Applicant on compassionate ground.

2. The date of birth of Applicant is 17.07.1991. The date of birth of her late husband Sandeep is 12.06.1977. Applicant's husband Sandeep died on 11.07.2018. Applicant's father-in-law Sudam died on 15.08.19982 while discharging his services as Police Constable. After the death of Sudam, his widow filed application for appointment on compassionate ground. She was informed on 28.08.1990 that no post is vacant and she will be informed later on. Since she could not get posting, she nominated her son Sandeep. It was informed that since application was not filed within 5 years from the death of Sudam, son Sandeep cannot be given appointment on compassionate ground.

Meantime, the office of Superintendent of Police informed Police Inspector of Islampur Police Station to forward the application of deceased Sandeep & concern record. Deceased Sandeep was also called. This letter is dated 23.02.2009. Applicant's husband could not get compassionate appointment till his death on 11.07.2018. Then, Applicant forwarded letter to Respondent Nos.2 & 3 on 29.08.2022 to get compassionate appointment. The Director General of Police, Maharashtra forwarded the proposal of Applicant to Government on 06.01.2023 mentioning therein that proposal dated 11.05.2009 and dated 04.07.2009 are not decided. Applicant has raised ground that since post was not vacant, the widow and son of deceased Sudam could not get appointment. Secondly, as per GR dated 20.05.2015, if a person on waiting list is expired, then the name of other family member can be included. There cannot be said to be any fault on the part of family of Applicant. Another ground is raised that the reason for rejection of application of Applicant's husband that he has not made representation within one year on attaining majority, is not correct.

3. Respondent Nos.2 & 3 have filed their Reply. The application of compassionate appointment for son Sandeep was rejected on 09.06.1998. Since then, that order is not challenged. Applicant has applied for compensatory appointment on 04.07.2009 and on

18.10.2022. Applicant has not filed application along with the recommendation early. According to them, in absence of application of condonation of delay, the Tribunal cannot entertain the application. Since first rejection of claim in 1998, the heir of the deceased Sudam does not have any right to claim compassionate appointment.

4. Learned Advocate for Applicant and learned PO have submitted as per their respective contentions. According to Applicant, the Daughter-in-law of the deceased cannot be disentitled to claim compensatory relief. It is also submitted by the Applicant that GR dated 21.09.2017 is in continuation of GR dated 23.08.1996. Subsequently on the point of delay, learned PO has submitted that after rejection of claim in 2009, the Petition should have been filed within six months thereafter. He has made available the GR dated 21.09.2017 and also Judgment in case of ***Aarti P. Nimje Vs. State of Maharashtra, High Court of Judicature at Bombay, Nagpur Bench in Writ Petition No.43 of 2020.*** He has also relied on case of ***Sushma Gosain Vs. Union of India, AIR 1989 SC 1976.***

5. It is not disputed that the father-in-law of the Applicant named Sudam was serving as Police Constable and died on 15.08.1982. It is not also seriously disputed that Shalan is the widow of deceased Sudam and Sandeep was their son. It is not disputed that the present Applicant is the wife of Sandeep. It is also not disputed that the widow of the deceased had initially filed application for getting compassionate appointment. Document at Exb.'C' shows that the widow of deceased was informed that the post is not vacant which is suitable for her. Respondent No.2 had also informed widow of the deceased by letter dated 30.11.1990 (Exb.'D') that the post of Class-IV is not vacant and she will be informed as and when vacancy arises. It is nowhere mentioned in Reply that the widow of deceased was informed subsequently about any vacancy of Class-IV post. The widow of deceased informed by Respondent No.2 on 09.06.1998 that since application for compassionate appointment for her son is not filed within

five years from the death of her husband Sudam, it is not possible to give compassionate appointment to her son. Then, the husband of this Applicant i.e. Sandeep was informed by Respondent No.2 vide letter dated 16.06.1998 that since application for compassionate appointment was filed after 8 years from the death of Sudam on 15.08.1982 and since it is not within 5 years from the date of death, he cannot be given compassionate appointment as Police Constable. It was also informed by the said letter that since application was not filed within one year on attaining the age of majority by Sandeep, the husband of Applicant, he cannot be appointed on compassionate ground. It can be informed by this letter that application for compassionate appointment was filed in 1990. It is already discussed that earlier, the Respondent No.2 has intimated the mother of Sandeep that they will communicate about vacancy of the post. It is not the case of Respondents that they have communicated in respect of vacancy of Class-IV post.

6. Learned Advocate for Applicant has invited my attention to document at Exb.'H'. Respondent No.2 has informed Police Inspector, Islampur Police Station that the husband of Applicant has filed application to Government for getting compassionate appointment as a Peon. The Police Inspector, Islampur was informed to direct the husband of Applicant to attend the office of Respondent No.2 along with the copies of application and educational qualification. It appears that the husband of Applicant was served the said letter on 07.03.2009. It is also not the case of Respondents that any decision in respect of compassionate appointment to husband of Applicant was taken on the basis of representation in 2009. The application of widow of deceased Sudam for compassionate appointment was refused vide letter dated 09.06.1998, since application was not filed within 5 years from the death of Sudam. But it cannot be ignored that the application of widow was already pending and she was informed in November, 1990 that she will be intimated as and when vacancy arises.

7. The Applicant has raised the ground that during the pendency of representation of her husband, he died on 11.07.2018. So she has forwarded the representation on 29.08.2022 for getting her compassionate appointment to daughter-in-law of deceased Sudam. The Special Inspector General of Police, Kolhapur has intimated the Applicant and her mother-in-law by sending the copy of letter dated 18.10.2022 that Respondent No.2 is intimated to take action on representation of the Applicant and to communicate the same.

8. Learned Advocate for Applicant has also invited my attention to Exb. 'L' i.e. letter dated 06.01.2023 which is forwarded by Special Inspector General of Police, Kolhapur to Home Ministry, Maharashtra State for considering the case of Applicant for compassionate appointment. This letter also shows that the proposal from Special Inspector General of Police Office pertaining to compassionate appointment to deceased Sandeep was forwarded to Government on 11.05.2009 and 04.07.2009, but they did not get any orders. The learned Advocate for Applicant further submitted that there is no fault on the part of Applicant as her husband had already submitted the representation, which is not decided. It cannot be said that there is no substance at all in his submission.

9. Learned PO has tried to raise ground of delay and submitted that the application for getting compensatory appointment to husband of Applicant was rejected on 09.06.2008. It is already discussed that though the ground was mentioned in the said letter (Exb. 'F') that the application was not filed within 5 years from the death of Sudam, it cannot be ignored that earlier, the widow of Sudam was filed application for the same relief and she was informed that she will be intimated about vacancy of Class-IV post, if any.

The learned Advocate for Applicant has submitted that within 6 months after forwarding the proposal, Applicant's husband should have

approached the Tribunal. It is already discussed that Respondent No.2 has never intimated Applicant's husband and mother-in-law about vacancy of Class-IV post. Meantime, the husband of Applicant died on 11.07.2018. The Applicant is only seeking directions to Respondents to take decision on the proposal of Applicant. So, Respondents can consider all the legal aspects while deciding her representation.

10. Learned PO has also relied in case of **Arti P. Nimje Vs. State of Maharashtra** (cited above) on the ground that the family of Applicant survived for a long period and there was no need of immediate relief of appointment. This aspect can also be considered by the Respondents while considering the representation. The facts in case of **Sushma Gosain Vs. Union of India** (cited above) referred by the learned PO appears to be somewhat different.

11. For the reasons stated above, it would be proper to allow the application and direct the Respondents to decide the proposal of the Applicant dated 06.01.2023 within 3 months from the date of order. Hence, I pass the following order.

### **ORDER**

- (A) The Original Application is allowed.
- (B) The Respondents to decide the proposal of Applicant dated 06.01.2023 in accordance with law within three months from the date of the order and thereafter communicate the decision to the Applicant within three weeks.
- (C) No order as to costs.

Sd/-  
**(A.N. Karmarkar)**  
**Member-J**

Mumbai  
Date : 17.10.2024  
Dictation taken by :  
S.K. Wamanse.

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