

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO.1285/2023 (S.B.)

Sandesh Dharmadas Nakshine,
 Aged about 25 years, Occ: Labour,
 R/o C/o Dharmadas Nakshine, Potegaon,
 Bye pass Road, Tukdoji Chowk, Ramnagar, Dist: Gadchiroli.

... APPLICANT.

// V E R S U S //

- 1] The State of Maharashtra,
 Through principal Secretary,
 Forest Department, Mantralaya, Mumbai-32.
- 2] Collector Tah: Desaiganj, Dist: Gadchiroli.
- 3] Chief Forest Conservator Officer Dist: Gadchiroli.
- 4] Forest Conservator Officer Dist: Gadchiroli
- 5] Deputy Forest Conservator Officer, Gadchiroli

... RESPONDENTS.

Smt N.S. Pathan, Advocate for the applicant.

Smt A.D. Warjekar, P.O. for respondents.

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

Dated :- 26/11/2024.

J U D G M E N T

Heard Smt N.S. Pathan, learned counsel for the applicant
 and Smt A.D. Warjekar, learned P.O. for the respondents.

O.A.1285/2023

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

The applicant is a grandson of deceased employee Murlidhar Krushnaji Nakshine who died on 21/10/2010. Murlidhar Krushnaji Nakshine was working on the post of Forest Labour with respondent no.3 under the supervision of Deputy Forest Conservator Officer, Gadchiroli. Father of the applicant i.e. son of deceased employee Dharmadas Nakshine had applied for appointment on compassionate ground at the relevant point. Name of father of applicant was deleted because of completion of 45 years of age. Therefore, the applicant applied for substitution of his name in place of his father, but no any decision is taken by the respondents. Therefore, applicant has filed the present O.A. for the following relief:-

“1) allow this original application and quash and set aside the order excluding the name of the applicant's father in the year 2014;

2) further be pleased to direct the respondent authorities particularly the respondent No.3, to include the name of the applicant in place of his father and also to grant compassionate appointment to applicant on the post suitable to his education;

3) further be pleased to direct the respondent authorities to consider the applicant's proposal for grant of compassionate appointment; within stipulated period.”

3. The O.A. is strongly opposed by the Respondents. It is submitted that the deceased Murlidhar Krushnaji Nakshine was not

regular employee. Moreover, the name of the father of the applicant namely Dharmadas Nakshine was not recorded in the waiting seniority list because he had completed 45 years of age and therefore applicant cannot claim the substitution in place of the name of his father. Hence, O.A. is liable to be dismissed.

4. During the course of submission learned counsel for the applicant Smt. N.S. Pathan has submitted that the direction be given to the respondents to decide applicant's father application dated 01/08/2018. No any prejudice will cause to the respondents. It is the duty of the respondents to decide the application by giving reasons properly. Hence, following order is passed :-

O R D E R

- (i) O.A. is partly allowed.
- (ii) The respondents are directed to decide the application of the applicant's father namely Dharmadas Nakshine dated 01/08/2018 within a period of 3 months from the date of receipt of this order.
- (iii) No order as to costs.

Dated :- 26/11/2024.

(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 : 26/11/2024.