

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 1033 OF 2022

(Subject:- Compassionate Appointment)

DISTRICT:-AURANGABAD

Abhishek S/o. Kishor Zine,)
Age: 24 years, Occ: Private Service,)
R/o. Tabir Tower, Flat No. 4,)
Firdous Garden, Behind Chinar Garden,)
Nashik High Way, Padegaon,)
Aurangabad.)
Mobile No. 8668764163.) **APPLICANT**

V E R S U S

1. **The State of Maharashtra,**)
Through the Principal Secretary,)
Public Works Department,)
Mantralaya, Mumbai-32.)
2. **The Superintending Engineer,**)
Public Works Department,)
Osmanabad Dist. Osmanabad.)
3. **The Superintending Engineer,**)
National Highway Division,)
Aurangabad.)
4. **Executive Engineer,**)
National Highway Division,)
Barure Complex, Near)
S.T. Workshop,)
Ambajogai Road, Latur)
District Latur.) **RESPONDENTS**

APPEARANCE : Shri S.N. Pagare, learned Counsel
for the applicant.
: Smt. R.S. Deshmukh, learned
Presenting Officer for the respondent
authorities.

CORAM : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

DATE : **17.04.2024.**

ORAL - ORDER

Heard Shri S.N. Pagare, learned counsel for the applicant and Smt. R.S. Deshmukh, learned Presenting Officer for the respondent authorities finally with consent at admission stage.

2. Learned counsel for the applicant submits that the applicant's father namely Kishor Bhimrao zine was serving with the respondent No.4 as a Sectional Engineer and while in service he expired on 01.01.2004. The mother of the applicant had submitted an application in the year 2004 itself for compassionate appointment. However, the respondents had denied the said appointment on compassionate ground to the mother of the applicant. Thus the mother of the applicant had challenged the said action of the respondents in denying the appointment on compassionate ground by filing the Original Application No. 1115/2005. By order dated 30.06.2006 the Division Bench of this Tribunal, Bench at Aurangabad has dismissed the said Original Application with

the observations that the action of the respondent authorities seen to be in conformity with the Government orders holding the field as deceased Shri Zine was holding a Class-II (or Group 'B') post and while in service he expired and the ground for denying the appointment on compassionate ground to the mother applicant was that as per the Government Resolutions/orders holding the field that the employee in Group 'A' or 'B', who died while in service is not eligible to claim employment on compassionate ground.

3. Learned counsel for the applicant submits that the applicant after attaining the age of majority has submitted an application for compassionate appointment on 29.09.2021, which was received by the respondents on 30.09.2021. The said application is still under consideration.

4. Learned counsel for the applicant submits that in view of G.R. dated 27.09.2021, the compassionate appointment can be extended to the legal heirs of Group 'A' and 'B' employees if died in harness and the said benefit has been extended from the date of 1st January, 2020. Learned counsel for the applicant submits that the purpose of filing of this Original Application can be served if the respondent authorities are directed to decide the application of the

applicant (Annexure 'A-4') in terms of G.R. dated 27.09.2021 in a time bound manner.

5. Learned Presenting Officer submits that if this Tribunal is inclined to give directions to the respondent authorities to decide the aforesaid application of the applicant in terms of G.R. dated 27.09.2021, the authorities may be directed to decide the same on its own merits.

6. In view of above, the purpose of filing of this Original Application would be served if the necessary directions are given to the respondent authorities to decide the application of the applicant in terms of G.R. dated 27.09.2021. Needless to say that in case of any adverse order in connection with the application filed by the applicant for appointment on compassionate ground, the applicant would be at liberty to approach this Tribunal by filing the Original Application afresh. Hence, the following order:-

ORDER

The Original Application is partly allowed in the following terms:-

- (A) The respondent authorities are directed to decide the application (Annexure 'A-4') filed by the

applicant for appointment on compassionate ground in terms of G.R. dated 27.09.2021 as expeditiously as possible preferably within the period of four months from the date of this order on its own merits.

- (B) In case of any adverse order in connection with the application filed by the applicant (Annexure 'A-4'), the applicant would be at liberty to approach this Tribunal by filing the Original Application afresh.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad

Date : 17.04.2024

SAS O.A. 1033/2022 (S.B.)Compassionate Appointment.