

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 582/2023 (S.B.)

Mr. Durgesh S/o Swami Barse,
Aged 33 years, Occ. Private,
R/o Near Walmiki Mandir,
G.N.Road, Kamptee,
Dist. Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through Secretary,
Department of Information and Technology,
Mantralaya, Mumbai.
- 2) The Manager,
Government Press and Book Depot,
Nagpur, Civil lines,
Nagpur – 440 001.

Respondents

Shri Mohd. Shakir, Id. Advocate for the applicant.

Shri M.I.Khan, Id. P.O. for the Respondents.

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

Dated :- 30.04.2024.

JUDGEMENT

Heard Shri Mohd. Shakir, Id. counsel for the applicant and
Shri M.I.Khan, Id. P.O. for the Respondents.

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

Deceased Ramdas Pardeshi Barse was working as a Sweeper.

He died on 19.08.2019. The applicant is son of brother of deceased

Ramdas Barse. He has applied for appointment on compassionate ground. He is not appointed, therefore, applicant approached to this Tribunal with following relief:-

(a) By a suitable order the respondents may kindly be directed to consider the application / notice of the petitioner at Annexure A/6 and A/4 for his appointment on compassionate ground.

(b) By a suitable order the impugned contention dated 23/09/2019 about legal heirs issued by the respondent no. 2 at Annexure A/2 not considering the claim of petitioner for service may kindly be quashed and set aside and the respondent may kindly be directed to appoint the petitioner in the service stated in the application in the interest of justice.

(c) Grant any other reliefs as deems fit and proper in the circumstances of the case in the interest of justice.

3. The O.A. is strongly opposed by the respondents. It is submitted that applicant is not the legal heir of the deceased; therefore, applicant cannot claim service on compassionate ground. Hence, O.A. is liable to be dismissed.

4. During the course of submission, ld. counsel for the applicant has pointed out Judgment of **Hon'ble Supreme Court in National Hydroelectric Power Corporation & Another Vs. Nanak Chand & Another, 2004 STPL 16098 SC**. He has pointed out that as per the judgment appointments on compassionate ground is to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. The applicant is claiming appointment on compassionate ground as per G.R. dated 24.02.2023. The ld. P.O. has submitted that as

per the guidelines given in the G.R. dated 11.03.2016, he is not entitled to get appointment.

5. The applicant has relied on the G.R. dated 24.02.2023. Ld. counsel for the applicant has pointed out Clause 5.7 of the G.R. which is reproduced below:-

सफाई कामगारास कोणीही पात्र वारस नसेल, तेव्हा :- सफाई कामगाराच्या सेवानिवृत्तीनंतर संबंधितास वारसाहक्कानुसार नियुक्ती मिळण्यापुर्वी सफाई कामगाराचा मृत्यु झाल्यास त्याच्या वारसाहक्कामध्ये वाधा येणार नाही. तसेच त्या कामगाराने मृत्युपुर्वी दिलेले संगतीपत्र ग्राह्य राहिल आणि त्यानुसार त्याच्या वारसास/नामनिर्देशित व्यक्तीस नियुक्ती देण्यात येईल. जर सफाई कामगाराने मृत्युपुर्वी नागनिर्देशन दिले नसेल तर अशा विशिष्ट प्रकरणात नामनिर्देशन देण्याचा अधिकार त्याच्या पत्नी/पतीस राहिल. तथापि, पती/पत्नी हयात नसल्यास नामनिर्देशनाचे अधिकार कुटुंबियास राहतील.

6. In the above said G.R. who are entitled for appointment on compassionate ground is given in Clause 3, it is reproduced below:-

३. वारसा हक्कास पात्र ठरणारे सफाई कामगाराचे वारस :-

सफाई कामगाराच्या वारसा हक्क प्रकरणांत पुढीलपैकी एक व्यक्ती वारस म्हणून पात्र ठरेल.

३.१ पती/पत्नी

३.२ मुलगा/मुलगी

३.३ सून/जावई

३.४ विधवा मुलगी/वहिण/घटस्फोटीत मुलगी/बहिण/परित्यक्ता मुलगी/बहिण/ अविवाहित सज्जन मुलगी / अविवाहित सज्जन बहिण

३.५ सफाई कर्मचारी अविवाहीत असल्यास त्याचा "सख्खा भाऊ / सख्खी बहीण"

३.६ नात/नातू

३.७ वरील पैकी कोणीही वारस उपलब्ध नसल्यास अथवा सदर वारसापैकी कोणीही सफाईचे काम करण्यास तयार नसल्यास सफाई कामगाराचा तहहयात सांभाळ करण्याची लेखी शपथपत्राद्वारे हमी देणारी संबंधित "नामनिर्देशित व्यक्ती".

The applicant is not the legal heir as per Clause 3 of the G.R. dated 24.02.2023. Nothing on record to show that he was maintaining deceased. He is son of brother of deceased, therefore, he is not covered in Clause 3 of the G.R., therefore, applicant's claim for appointment on compassionate ground is rejected. Hence, **O.A. is dismissed with no order as to costs.**

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 30/04/2024.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 30/04/2024.
and pronounced on

Uploaded on : 06/05/2024.