

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.183/2024(S.B.)**

1. Jyoti Dilip Raut,  
Aged about : 44 years, Occu.: Houshold.
2. Daksha Dilip Raut,  
Aged about : 14 Years, Occu.: Student,  
Both R/o, C/o : Shyamrao Rushi Bhoskar,  
Rastrawadi Nagar, Near Hanuman Mandir,  
At-Chandrapur, Tahsil &  
District: Chandrapur -442401.

**Applicants.**

**Versus**

- 1) State of Maharashtra,  
through its Secretary,  
Department of Home Ministry, Mumbai.  
Add : 2<sup>nd</sup> Floor, Exchange Building,  
Ballard Pier, Fort Mumbai.
- 2) The Spl. I.G.P.,  
Nagpur Range, Nagpur.  
Add: Near Sadar Police Station,  
Civil Lines, Nagpur-440001.
- 3) The Superintendent of Police,  
Chauhan Colony, Chandrapur.

Dist.-Chandrapur -442401.

**Respondents**

---

Shri R.L.Lonare, Ld. Counsel for the applicants.  
Smt.S.R.Khobragade, Ld. P.O. for the respondents.

---

**Coram:-** Hon'ble Shri M.A.Lovekar, Member (J).

**Dated:-** 13<sup>th</sup> August, 2024.

---

**JUDGMENT**

**Judgment is reserved on 08<sup>th</sup> August, 2024.**

**Judgment is pronounced on 13<sup>th</sup> August, 2024.**

Heard Shri R.L.Lonare, learned counsel for the applicants  
and Smt.S.R.Khobragade, learned P.O. for the respondents.

2. Dilip Raut was working as Police Constable. He died in harness on 12.03.2018. Applicant no.1 is his wife. Applicant no.2 is son of the deceased and applicant no.1. On 04.05.2018 applicant no.1 filed application (Annexure – C) to appoint her on a Class – C post of Police Constable on compassionate ground. Her name was entered in waiting list. On 28.02.2023 she filed application (Annexure – F) that she be appointed on Class - D post as her height fell short for the post of Police Constable. Her name was then entered in waiting list for Class-D post.

On 04.12.2023 she submitted application (Annexure – H) that in her

place her son, applicant no.2 be considered for appointment on compassionate ground. By the impugned communication dated 18.01.2024 her prayer for substitution was rejected on the ground that there was no enabling provision to do so. Hence, this O.A..

3. Stand of respondent no.3 is that the impugned order is just and proper considering the fact that there is no enabling provision for substitution as sought by applicant no.1.

4. The issue regarding permissibility of substitution is no longer *res-integra*. In Judgment dated 28.05.2024 Full Bench of the Hon'ble Bombay High Court **(Kalpana Taram Vs. State of Maharashtra with connected Writ Petitions)** has held that substitution of one dependent by another for giving appointment on compassionate ground is permissible and consistent with the policy.

5. In the instant case applicant no.2 is minor. On attaining majority he will become eligible for being considered for appointment on compassionate ground in place of his mother, applicant no.1.

6. For all these reasons, the impugned order disallowing substitution is quashed and set aside. The respondents are directed to consider applicant no.2 in place of applicant no.1 for appointment on compassionate ground, on his attaining majority, if he is otherwise

found eligible. The O.A. is allowed in these terms with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 13/08/2024.  
rsm.

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

Name of Steno : Raksha Shashikant Mankawde.  
Court Name : Court of Hon'ble Member (J).  
Judgment signed on : 13/08/2024.  
and pronounced on  
Uploaded on : 13/08/2024.