

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.574/2023(S.B.)**

Keshav S/o Supaji Hiralkar,  
aged 29 years, Occ. Nil,  
R/o Behind Shivaji Nagar Police Station,  
Farshi, Khamgaon, Tq. Khamgaon, Dist. Buldana.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
Through Its Secretary,  
Higher and Technical Education Department,  
Mantralaya, Mumbai-32.
- 2) The Principal,  
Government Polytechnic High School,  
Jalamb Road, Khamgaon, Dist. Buldana.

**Respondents**

---

Shri S.P.Palshikar, Ld. Counsel for the applicant.  
Shri S.A.Sainis, Ld. P.O. for the respondents.

---

**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**  
**Dated: - 16<sup>th</sup> July, 2024.**

---

**JUDGMENT**

**Judgment is reserved on 11<sup>th</sup> July, 2024.**

**Judgment is pronounced on 16<sup>th</sup> July, 2024.**

Heard Shri S.P.Palshikar, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondents.

2. Case of the applicant is as follows. Supaji, father of the applicant who was working as Watchman on the establishment of respondent no.2, died in harness on 04.04.2012 (Annexure A-1). At that time the applicant was minor, his date of birth being 14.05.1994 (Annexure A-2). On 19.04.2012 mother of the applicant submitted application (Annexure A-3) to respondent no.2 to release terminal benefits of her deceased husband, and to consider her son, the applicant for appointment on compassionate ground. Office of respondent no.2 acknowledged receipt of application dated 19.04.2012, on 20.04.2012. Thus, the application for appointment on compassionate ground was made well within one year (from the date of death of father of the applicant) which is prescribed by G.R. dated 22.08.2005 (Annexure A-4) and guidelines issued by the competent authority on 15.12.2011 (Annexure A-5). By the impugned communication dated 30.05.2023 (Annexure A-6) respondent no.2 informed the applicant as follows-

आपणांस कळविण्यांत देते की, आपले दिनांक 08/05/2023 रोजीच्या ँर्जनिसार आपण आपले ँनुकंपा निुक्तीच्या प्रस्तावाची सध्यास्थिती कां आहे ते लेखी कळविण्यांबाबत ँ कार्ालास विनंती केली आहे.

आपले संदर्भाकित ँर्जमधील संदर्भ 01 नुसार मा. सहसंचालक, व्यवसाय शिक्षण व प्रशिक्षण, प्रादेशिक कार्यालय, ँमरावती ँंचे पत्र क्रमांक/ँ-2/आस्था/ँ नुकंपा/2021/5975 दिनांक 02/11/2021 ँन्वे संस्थेला प्रस्ताव एक वर्षाचे आंत सादर केल्याचा कोणताही पुरावा सादर करू न शकल्यामुळे आपले नांव ँ नुकंपा जेष्ठता सुचित समाविष्ट करता ढेणार नाही ँ से कळवून प्रकरण नस्तीबद्ध करण्यांत ँवे ँ से कळविण्यांत आले आहे. त्याप्रमाणे आपणांस ँ कार्यालयाचे पत्र क्रमांक आस्था / एसटीहि/2022/03 दिनांक 01/01/2022 ँन्वे मा. सहसंचालक ँंचे पत्रासह कळविण्यांत आले आहे.

Hence, this O.A..

3. Respondent no.2 has resisted the O.A. on the following grounds-

- 1) To the application dated 19.04.2012 (Annexure A-3) made by wife of the deceased, application to consider her son, the applicant for appointment on compassionate ground, was not attached.
- 2) In the birth certificate of the applicant (Annexure A-2) name of his father is stated to be Subhash and not Supaji. Same is the case with his caste and Caste Validity Certificates as well as mark sheets of SSC and HSC.
- 3) Application was filed by the applicant in the name Keshav Supaji Hiralkar only on 03.12.2013 which was beyond one year (from the date of death of his father) as

prescribed by G.R. dated 22.08.2005 and guidelines dated 15.12.2011.

4) The applicant submitted application on 06.11.2020 stating therein that as per his application dated 05.11.2012 his name was entered in the waiting list. Record of the respondents did not show that on 05.11.2012 any application was submitted by the applicant.

4. The applicant has relied on application dated 19.04.2012 (Annexure A-3) submitted by his mother praying *inter alia* to consider the applicant for appointment on compassionate ground. This application bears acknowledgment of receipt dated 20.04.2012. The application refers to three attachments including application for giving appointment on compassionate ground to her son. Though, the respondents admit to have received application dated 19.04.2012, it is their case that to this application, application for considering the applicant for appointment on compassionate ground was not attached. According to the respondents, the applicant himself submitted application on 03.12.2013 for giving him an appointment on compassionate ground and communication of its rejection by the impugned order cannot be faulted as the application was not filed within the stipulated period of one year.

5. It may be reiterated that the only ground for rejection mentioned in the impugned order is that the application was not filed within the stipulated period of one year. According to the applicant, the application was made well within the period of one year i.e. on 19.04.2012 and it was received by respondent no.2 on 20.04.2012 as would be evident from perusal of Annexure A-3. According to the respondents, application for appointment on compassionate ground was not attached to application dated 19.04.2012. Considering the rival contentions it would be just and proper to direct the respondents as follows. The respondents are directed to consider case of the applicant afresh in the light of contents of application dated 19.04.2012 (Annexure A-3), and their office record. This exercise shall be completed within three months from today and the decision shall be communicated to the applicant forthwith. While taking the decision legal position reiterated as follows in a Full Bench Judgment of the Hon'ble Bombay High Court dated 28.05.2024 in a batch of Writ Petitions shall also be kept in mind –

***b) The period for making application is one year from the date of death of deceased employee and in the case of minor legal heirs, within one year of attaining the age of 18 years. The concerned Head of the Administrative Department is empowered to condone the delay up to two years after a lapse of the period of one year.***

The O.A. is allowed in the aforesaid terms with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 16/07/2024  
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 : 16/07/2024.  
and pronounced on  
Uploaded on : 16/07/2024.