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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12445 OF 2015

The State of Maharashtra ... Petitioner
Vs.
Shri Abhijeet V. Mulik ... Respondent

Mr. P.G. Sawant, AGP for the Petitioner.
Mr. Vikram V. Pai for Respondent.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.

DATE : JULY 26, 2016.

P. C.

1] The petitioner-State challenges the order dated 18 February 2015 made by the Maharashtra Administrative Tribunal (MAT), Mumbai made in Original Application No. 1093 of 2012. By the impugned judgment and order, the MAT has directed the following:

“10. We allow the Original Application and direct the Respondent to consider the claim of the Applicant for appointment on compassionate ground as per the extant Scheme or Regulations and Government Resolutions, subject to other eligibility. No order as to costs.”

2] From the aforesaid, it is quite clear that the MAT has directed the petitioner - State to only “**consider**” the claim of the respondent for appointment on compassionate ground as per the extant

Scheme or Regulations and Government Resolutions, subject to other eligibility requirements. The MAT has not directed the petitioner-State to actually appoint the respondent, but to only consider the case of the respondent for compassionate appointment, in accordance with law and as per Scheme, Regulations and Government Resolutions as may be applicable.

3] We see no reason to interfere with such a direction. Ultimately, there is no dispute that the respondent's father has died in harness and therefore, the respondent was at least entitled to consideration of his application for compassionate appointment in accordance with law. Accordingly, there is no case made out to interfere with the impugned judgment and order. Therefore, we dismiss the petition. However, we direct the competent authority to consider the case of the respondent favourably in accordance with Rules, Regulations, Scheme and Government Resolutions as may be applicable, as expeditiously as possible and in any case within a period of six weeks from today.

4] There shall, however, be no order as to costs.

5] All concerned to act on the basis of authenticated copy of this order.

[M. S. SONAK, J.]

[V. M. KANADE, J.]