

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4558/2016

The State of Maharashtra, Department of Agriculture, Mantralaya,
Mumbai – 400 032 and others
...Versus...
Varsha wd/o Pradeep Tidke

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Balpande, AGP for petitioners
Shri P.D. Meghe, Advocate for respondent

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 22.11.2016

By this petition, the petitioners challenge the order of the Maharashtra Administrative Tribunal, dated 27.8.2015, directing the petitioners to consider the claim of the respondent for compassionate appointment in the light of the Government Resolution, dated 6.12.2010.

The husband of the respondent was working as an Agriculture Supervisor with the petitioner no.3 and he expired on 10.1.2007. The respondent applied for appointment on compassionate ground. The name of the respondent was placed in the waiting list of the applicants seeking compassionate appointment. The name of the respondent was removed from the waiting list on 27.4.2010, in view of the then existing policy that

compassionate appointment could be granted only till a candidate attains the age of 40 years. On 6.12.2010 there was a change in the policy of the Government pertaining to the eligibility criteria as, by the Government Resolution dated 6.12.2010, a candidate was entitled for appointment on compassionate ground, if he or she was below the age of 45 years. Admittedly, since the respondent had not completed the age of 45 years on 6.12.2010 when the Government Resolution was issued, the respondent sought a direction against the petitioners to appoint the respondent on compassionate ground. The Maharashtra Administrative Tribunal, by the impugned order, dated 27.8.2015 partly allowed the original application filed by the respondent and directed the petitioners to consider the claim of the respondent in view of the policy laid down in the Government Resolution, dated 6.12.2010.

On a reading of the impugned order and the Government Resolution, dated 6.12.2010, it appears that the Tribunal was justified in partly allowing the original application filed by the respondent and directing the petitioners to consider the claim of the respondent for compassionate appointment. Though the respondent had attained the age of 40 years when her name was removed from the waiting list on 27.4.2010, the respondent came into the zone for consideration in view of the change in policy, by the Government Resolution, dated 6.12.2010, which permitted the appointment of a person below the age of 45 years on compassionate ground. The respondent was admittedly below the age of 45 years on 6.12.2010. The Government Resolution came to the rescue of the respondent to seek

appointment on compassionate ground till she attained the age of 45 years. However, the petitioners wrongly rejected her claim by holding that her name was removed from the waiting list by the order dated 27.4.2010. The removal of the name of the respondent from the waiting list could not have come in the way of the respondent in seeking compassionate appointment since the respondent had not completed the age of 45 years, in view of the change in policy. We do not find any fault with the order of the Tribunal so as to interfere with the same, in exercise of the writ jurisdiction.

Since the order of the Tribunal is just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar