

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11614 OF 2018

The State of Maharashtra
through Superintending Engineer,
Sangli Irrigation Circle & Anr. .. Petitioners

Vs.

Ms. Madhuri Maruti Vidhate,
(Since after marriage
Smt. Madhuri Santosh Koli) .. Respondent

Mr.N.K. Rajpurohit, AGP for petitioners.

None for respondent.

**CORAM : B.R. GAVAI &
N.J. JAMADAR, JJ.**

DATE : 7TH JANUARY 2019

P.C.

1 The petitioners have approached this Court challenging the judgment and order dated 23rd March 2017 passed by the learned Members, Maharashtra Administrative Tribunal (MAT) in O.A. No.860 of 2015 thereby allowing the original application filed by the respondent and directing the State Government to consider the case of the applicant, who is the petitioner herein, in accordance with law for appointment on compassionate ground.

2 For the sake of convenience, parties herein would be referred to as they are referred in the original application.

3 Shri Rajpurohit, learned AGP submitted that the father of the applicant late Shri Maruti Dinkar Vidhate was in the clerical cadre with the respondents. He died in harness. After his death, his wife, i.e. mother of the applicant, late Smt. Lata Maruti Vidhate came to be appointed on compassionate ground. Smt. Lata Maruti Vidhate, i.e., mother of the applicant also passed away in harness leaving behind the applicant and her sisters. The learned AGP submitted that as a matter of fact when late Smt. Lata Maruti Vidhate died, applicant and the other sisters were married and as such they could not have been considered as dependents of the deceased Maruti Dinkar Vidhate or Lata Maruti Vidhate.

4 The learned Members of MAT, while allowing the original application of the applicant, have relied on the judgment of the Division Bench of this Court in *Aparna N. Zambre and Anr. Vs. Assistant Superintendent Engineer & Ors.*¹ and also a judgment of the learned Single Judge in *The State of Maharashtra & Ors. Vs. Medha Prashant Parkhe*². After considering the said judgments, the learned Members of MAT held that the married daughter of the deceased employee can be eligible for consideration for appointment on compassionate ground.

5 We, therefore, find that the order passed by the learned Members,

1 2011 (5) Mh.L.J. 290

2 2011(1) LJ SOFT 83 (Writ Petition No.6056/2010 dt.26th October 2010)

MAT is in consonance with the aforesaid two judgments of this Court. Hence the said order of MAT is not erroneous and does not require any interference.

6 The Writ petition, therefore, stands dismissed.

[N.J. JAMADAR, J.]

[B.R. GAVAI, J.]