

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.412/2022**

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The State of Maharashtra thr.

Secretary & anr.

..Petitioners

VS.

Sachin Ramdas Sangale

..Respondent

Mr. B. V. Samant, AGP for the petitioners-State.

Ms. Purva Pradhan h/f. Eeshan D. Khaire for the respondent.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 14, 2023

P.C.:-

1. Heard learned AGP.
2. The State challenges the order passed by the Maharashtra Administrative Tribunal in an original application filed by the present respondent seeking appointment on the compassionate ground.
3. Learned AGP submits that the name of elder brother was taken for the appointment on the compassionate ground on account of the death of his father namely Ramdas Kashinath Sangale. Learned AGP submits that the elder brother of the respondent died on 8/2/2014. On the said date, there was no policy of substituting the name of another member of the family in place of the deceased in

the list maintained for appointment on compassionate ground. The respondent applied for appointment on compassionate ground on 10/2/2017.

4. The Government Resolution dated 20/5/2015 would not apply in the present case. It is only on the basis of the Government Resolution dated 20/5/2015 the policy was introduced for substituting the name of another sibling upon death of person on waiting list. The said scheme would not apply to the present case as the death of the elder brother of the respondent was prior to enforcement of the policy.

5. We have heard learned counsel for the respondent.

6. The Tribunal was dealing with the beneficial scheme. The father of the respondent died on 25/8/2009 while in service. The name of the elder brother of the respondent Hemant was empaneled in the waiting list for providing appointment on the compassionate ground. However, till the date of his death on 8/2/2014, he was not given employment. The Government Resolution dated 20/5/2015 was issued by the Government *inter alia* providing that in case whether a person included in the list, dies before getting the appointment, then the name of another heir can

be substituted in his place.

7. The present respondent made application for appointment on compassionate ground on 10/2/2017.

8. It is the fact that none from the member of the respondent's family has been given employment in place of the father.

9. The Tribunal has exercised its discretion in favour of the respondent. It is also not the case of the petitioners that the financial position of the respondent and his family is good and that the family of the respondent can maintain itself.

10. The State had also not contested the original application by filing the affidavit.

11. As the discretion exercised by the Tribunal in a plausible manner, we are not inclined to entertain the writ petition.

12. Considering the peculiar facts of the present case, we are not inclined to entertain the present writ petition and the same is disposed of.

13. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)