

MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD

MISC. APPLICATION NO. 55 OF 2019
WITH
ORIGINAL APPLICATION ST. NO. 45 OF 2019

DISTRICT : PARBHANI

Amol s/o Surajkumar Pedapalli,)
Age. 21 years, Occ. : Education,)
R/o Gangaputra Colony,)
Dargah Road, Parbhani.) .. **APPLICANT**

V E R S U S

1. The State of Maharashtra,)
Through Secretary,)
Home Department, Mantralaya,)
Mumbai - 400 032.)
2. State of Maharashtra, through)
Director General of Police,)
Shaheed Bhagatsingh Road,)
Colaba, Mumbai - 400 001.)
3. District Superintendent of Police,)
Parbhani, District : Parbhani.).. **RESPONDENTS**

APPEARANCE :- Shri A.P. Sonpethkar, learned Advocate for
the applicant.

: Smt. Deepali S. Deshpande, learned
Presenting Officer for the respondents.

CORAM : Hon'ble Shri B.P. Patil, Acting Chairman

RESERVED ON : 23st January, 2020

PRONOUNCED ON : 24th January, 2020

ORDER

1. The applicant has filed the present application for condonation of delay of 400 days caused in filing the accompanying Original Application St. no. 45/2019.

2. It is contention of the applicant that his father namely Surajkumar Pedapalli was working as a Sweeper in Police Station, Pathri, Dist. Parbhani. He suddenly died due to heart attack on 15.5.2006 while on duty. After his death applicant and his mother made frequent applications with the respondents for appointment on compassionate ground. But the said applications were not decided by the respondents. Therefore mother of the applicant filed Original Application No. 528/2014 before this Tribunal claiming appointment on compassionate ground for herself or for her son. The said O.A. was disposed of by this Tribunal on 30.11.2016. While disposing of the said O.A. it was directed by the Tribunal to the applicant to submit his application to the respondents for compassionate appointment. Accordingly the applicant filed application before the respondents and requested for appointment on compassionate ground. He had not received any response from the respondents in that regard. It is his contention that when he visited the office of the respondent no. 3 along with his mother it was disclosed that his application

was rejected by the respondent no. 3. It is his contention that he is poor person and has just completed 23 years of age. There is no other person to look after him and his mother. He was under impression that his request for compassionate appointment will be considered by the respondents as this Tribunal passed the order in earlier O.A. no. 528/2014. Therefore he could not be able to file O.A. in time. It is his contention that delay of 400 days has been caused for filing O.A. Therefore he prayed to condone the said delay by allowing the M.A.

3. Respondent no. 3 filed affidavit in reply and resisted the contentions of the applicant in M.A. It his contention that the applicant has not properly explained the 400 days delay caused for filing O.A. It is necessary to give explanation for each and every day's delay, but the applicant has not explained the said delay properly. Therefore, in absence of plausible, just and proper explanation the delay of 400 days caused for filing the O.A. cannot be condoned.

4. I have heard the arguments advanced by Shri A.P. Sonpethkar, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents. I have also gone through the documents placed on record.

5. Admittedly father of the applicant namely Surajkumar Pedapalli was serving as a Sweeper at Police Station, Pathri, Dist. Parbhani. Admittedly father of the applicant died on 15.5.2006 due to heart attack while in service. Mother of the applicant filed application for getting appointment on compassionate ground with the respondents. Admittedly her name was entered in the waiting list of the eligible candidates to be appointed on compassionate ground. Admittedly in the year 2010 her name was removed by the respondents from the waiting list of the eligible candidates to be appointed on compassionate ground on account of her age. Thereafter she requested the respondents to replace the name of the applicant in her place, but it was rejected on 5.12.2012. Therefore, she filed O.A. no. 528/2014 before this Tribunal claiming appointment on compassionate ground for herself or for her son. The said O.A. was disposed of by this Tribunal on 30.11.2016. While disposing of the said O.A. it was directed by the Tribunal to the applicant to submit his application to the respondents for compassionate appointment. Thereafter the applicant filed application with the respondent no. 3, but the respondent no. 3 rejected it on 2.1.2017. Applicant ought to have challenged the said order on or before 2.1.2018, but he has not filed the O.A. in time. Admittedly, he filed O.A. st. no. 45/2019 on 8.1.2019. There is delay of 400 days in filing the O.A.

6. Learned Advocate for the applicant has submitted that the impugned order dtd. 2.1.2017 has not been communicated to the applicant by the respondent no. 3. Applicant got knowledge about the said order when he approached the office of the respondent no. 3 to make enquiry in connection with his application and thereafter he filed the present O.A. immediately. Because of said reason the delay of 400 days has been occurred in filing the O.A. Therefore he prayed to condone the delay.

7. He has submitted that the applicant is poor person and there is nobody to take care of him and his mother. Valuable rights of the applicant are involved in the O.A. Therefore, he prayed to condone 400 days delay caused for filing the O.A. by allowing the present M.A.

8. Learned Presenting Officer has submitted that the applicant has not mentioned a single reason for condoning 400 days delay occurred for filing the O.A. She has submitted that the applicant has not explained the delay by giving plausible, just and proper reasons. In the absence of sufficient explanation, the delay of 400 days caused in filing the O.A. cannot be condoned. Therefore, she prayed to reject the M.A.

9. On perusal of the application it reveals that the applicant has made vague pleadings that the respondent no. 3 has not communicated him the impugned order and he came to know about the same when he visited the office of the respondent no. 3. On perusal of the impugned order it reveals that the said communication is addressed to the applicant and it was sent to him on his address. Except the vague explanation there is nothing on record to show that the impugned order was not sent to the applicant on his address. Applicant has not given details regarding the date on which he visited the office of the respondent no. 3 and got knowledge about the impugned order. Applicant has not pleaded a single ground explaining the delay of 400 days caused in filing the O.A. In absence of plausible, just and sufficient explanation the delay of 400 days caused in filing the O.A. cannot be condoned. The applicant slept over his right and failed to challenge the impugned order in time. Therefore it amounts deliberate and intentional delay on the part of the applicant. Hence, the delay of 400 days caused in filing O.A. cannot be condoned. There is no merit in the M.A. Consequently it deserves to be dismissed.

8. In view of the discussion in foregoing paragraphs the M.A. no. 55/2019 stands rejected. Consequently the registration of

accompanying O.A. St. No. 45/2019 is refused. There shall be no order as to costs.

(B.P. PATIL)
ACTING CHAIRMAN

Place : Aurangabad
Date : 24th January, 2020

ARJ-M.A. NO. 55-2019 WITH O.A.ST. NO. 45-2019 BPP (CONDONATION OF DELAY)