

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD****MISC. APPLICATION NO. 92 OF 2019
IN
ORIGINAL APPLICATION ST. NO. 189 OF 2019
(Subject – M.A. For Condonation of Delay)****DISTRICT : AHMEDNAGAR****Shri Nivrutti Krushna Lote,**)
Age : 30 Years , Occu. : Agri,)
R/o : At Chichondi, Post. Shendi,)
Tq. Akole, Dist. Ahmednagar.)
.. **APPLICANT****V E R S U S**1) **The Superintendent Engineer,**)
Thane Irrigation Circle, Thane,)
District Thane.)
2) **The Executive Engineer,**)
Thane Irrigation Division, Kalve,)
Tq. and Dist. Thane.)
)
3) **The Executive Engineer,**)
Ghatghar Hydro Water Electricity)
Project No. 3, Chondi, Tq. Akole,)
District Ahmednagar.)
.. **RESPONDENTS**

APPEARANCE : Shri V.B. Wagh, Advocate for the Applicant.: Shri B.S. Deokar, Presenting Officer for
Respondents.

CORAM : **B.P. PATIL, ACTING CHAIRMAN.****RESERVED ON** : **05.09.2019.****PRONOUNCED ON** : **16.09.2019.**

ORDER

1. The applicant has filed the present Misc. Application for condonation of delay caused for filing the accompanying O.A.
2. Deceased Krushna Lote was the father of the applicant. Krushan Lote was serving on C.R.T. as Majoor with the respondents. He died on 17.09.2000 while discharging duties in the office of respondent No. 3 i.e. the Executive Engineer, Hydro Project, Division No. 3, Bhandardara. At the time of death of Krushna Lote, the applicant was minor. The applicant born on 15.01.1988 and he attained the age of majority on 15.01.2006. After attaining the age of majority, he filed an application dated 13.09.2006 with the respondent No. 3 claiming appointment on compassionate ground. But the Superintending Engineer, Ghatghar Hydro Project Circle, Nasik, rejected his application on the ground that it was not filed within five years from the death of his father. Thereafter, the Superintending Engineer, Ghatghar Hydro Project Circle, Nasik was merged in to Superintending Engineer, Satara Irrigation Circle, Satara on 30.04.2007. Thereafter, it was merged in the office of respondent No. 1 i.e. at Thane on 30.06.2016. Due to the transfer/merge of the offices, the application of the applicant had not been considered and the

Superintending Engineer, Koyana Works Circle, Satara closed the file of the applicant, as the decision was taken on 06.03.2007 and informed him by the communication dated 25.04.2011. Thereafter, he again made representation on 13.07.2018 to the respondent No. 1. The respondent No. 1 by the communication dated 01.08.2018 has informed that his proposal has not been forwarded to the higher authority. It is contention of the applicant that because of merger of offices from time to time, he could not able to approach this Tribunal in time, as the concerned authority has not taken decision on his application and therefore, the delay has been caused. Hence, he has prayed to condone the delay in the interest of justice.

3. The respondent Nos. 1 to 3 have filed their affidavit in reply and resisted the contentions of the applicant. It is their contention that there is an inordinate delay caused for filing the accompanying O.A. and the delay has not been properly explained by the applicant and therefore, they have prayed to reject the present Misc. Application.

4. I have heard Shri V.B. Wagh, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for

the respondents. I have perused the documents placed on record by both the parties.

5. On perusal of the record, it reveals that the father of the applicant was serving on C.R.T. as Major. He died on 17.09.2000, while working in the office of respondent No. 3. The applicant was born on 15.01.1988. He attained the age of majority on 15.01.2006. After attaining the age of majority, he immediately filed an application for getting appointment on compassionate ground on 13.09.2006. The concerned authority rejected the application of the applicant on the ground that it was not filed within 5 years from the death of his father and communicated the decision to the applicant by the communication dated 06.03.2007. Thereafter, the applicant has made several representations to consider his claim on the ground that he has filed the application within one year after attaining the age of majority. But his applications had not been considered by the respondents. Meanwhile, the office of respondent No. 3 i.e. Superintending Engineer, Ghatghar Hydro Project Circle, Nasik was transferred/merged in the office of Superintending Engineer, Satara Irrigation Circle, Satara and then to respondent No. 1 i.e. at Thane and therefore, his application had not been considered. Due to the said reason, the delay has been caused

for filing the accompanying O.A. Considering the said reasons, in my view, the applicant has satisfactorily explained the delay caused for filing the accompanying O.A. by giving sufficient explanation. The valuable rights of the applicant are involved in the O.A. and therefore, in my view, it is just and proper to condone the delay caused for filing the accompanying O.A. by imposing the costs.

6. In view of the discussions in the foregoing paragraphs, the M.A. No. 92/2019 is allowed subject to payment of costs of Rs. 5000/- (Rs. Five Thousand Only). The applicant shall deposit the amount of costs on or before 01.10.2019. On depositing the costs by the applicant within stipulated time, the delay of 10 years, 10 months and 15 days caused for filing the accompanying O.A. is hereby condoned. Thereupon, the Registry is directed to register the O.A. after due scrutiny. On failure to deposit the costs by the applicant within stipulated time, the M.A. stands dismissed without reference to the Tribunal.

PLACE : AURANGABAD.
DATE : 16.09.2019.

(B.P. PATIL)
ACTING CHAIRMAN