

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**CIVIL APPLICATION No.62 of 2017**  
**IN ORIGINAL APPLICATION NO. 124 of 2017 (S.B.)**

Eknath Gulabrao Wankhede,  
Aged about 33 years, Occ. Nil,  
R/o Jawla Bk. (Dodki), Tq. & Dist.  
Akola.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through the Secretary,  
Department of Revenue and Forest,  
Maharashtra State, Mantralaya, Mumbai.
- 2) The Collector,  
Collector Office at Akola,  
Tq. and Dist. Akola.
- 3) The Sub-Divisional Officer,  
Akola, Tq. & Dist. Akola.
- 4) The Tahsildar, Akola,  
Tq. & Dist. Akola.

**Respondents**

---

**S/Shri S.D. Chande, R.V. Ramteke, Advocates for the applicant.**

**Shri A.M. Khadatkar, learned P.O. for the respondents.**

---

**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

---

**JUDGEMENT**

**(Delivered on this 22<sup>nd</sup> day of November,2017)**

Heard Shri S.D. Chande, Id. Counsel for the applicant and  
Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. In the O.A. the applicant has prayed for a direction to the respondent authority to issue appointment order in his favour on compassionate ground on the post of Kotwal or any other post at Tahsil Akola or any other Tahsil in Akola District. It is stated that for filing such claim there is a delay of 8 months and the said delay be condoned. For that purpose the C.A.No. 62/2017 has been filed. The learned P.O. strongly objected for application for condonation of delay and submitted that the delay is of number of years and not of 8 months.

3. According to the applicant, he is qualified person for the post of Kotwal and belongs to Matang Communicity which comes under SC category. The applicant's father was appointed as Kotwal at Dodki, Tahsil Office, Akola since 5/2/1981 till his death of date, i.e., 22/6/2005.

4. After the death of applicant's father on 22/6/2005, the applicant immediately applied to the respondent no.3, i.e., SDO, Akola on 28/7/2005 and requested that he be appointed to the post of Kotwal in place of his father on compassionate ground. In fact, the applicant started working as Kotwal in place of his father after the death of his father without any payment and without any order in that regards. An experience Certificate has also been issued by the

Talathi and Circle Officer (Mandal Adhikari) in applicant's favour on 31/5/2006.

5. The respondent no.2 vide communication dated 22/12/2015 directed the Tahsildar, Akola to take appropriate action on the representation filed by the applicant. The Tahsildar also issued one communication on 2/1/2016 stating that whenever the post of Kotwal would be recruited, the applicant's order of appointment would be issued. According to the applicant no communication was received by him and therefore he has filed the O.A.

6. Perusal of the original application filed by the applicant thus shows that the applicant is claiming appointment to the post of Kotwal on compassionate ground. His father died on 22/6/2005 and the applicant has made first application for compassionate appointment on 28/7/2005. There is nothing on the record to show as to under what capacity the applicant was serving in his father's post. There is no reason as to why the applicant fails to approach this Tribunal immediately when his application for compassionate appointment was not considered or when the respondent authorities have not taken cognizance of his application. The applicant has approached this Tribunal for the first time in 2017 when alleged cause of action for compassionate appointment arose on 22/6/2005, i.e., on the death of his father. The applicant's contention that there is delay

of 8 months only is thus not legal and proper. As per the provisions of Maharashtra Administrative Tribunals Act, 1985 the applicant ought to have waited for 6 months for answer to his representation dated 28/7/2005 and thereafter within one year he should have filed O.A. for appointment on compassionate ground. The applicant however did not take any steps to file such application till filing of this O.A. along with condonation of delay application.

7. In the application for condonation of delay it is stated in para-4 that the respondent authorities have orally agreed the applicant to work on the post of Kotwal at Jawla Bk. (Dodki) and as soon as possible, the appointment order would be issued in his favour on compassionate ground. Such oral assurances cannot be accepted and the applicant cannot be trusted in this regard. It is stated in para-5 that the applicant made representation from time to time to the respondent authorities at every year and requested the competent authority to issue appointment order. As already stated had it been a fact that the applicant made such representation, it was obligatory upon the applicant to wait for 6 months from the date of representation and then to file Petition within one year, if no response was received on such representation. No ground has been made out in the application for condonation of delay to satisfy the Tribunal that the applicant was under disability or was having good reason for not

approaching this Tribunal. There is tremendous delay in filing this O.A., i.e., almost of 12 years and no convincing ground has been made out for condonation of delay in filing O.A. In view thereof, I do not find any merits in the application for condonation of delay. Hence, the following order :-

**ORDER**

The C.A. No. 62/2017 for condonation of delay is dismissed and consequently the O.A. also stands dismissed with no order as to costs.

**Dated :- 22/11/2017.**

**(J.D. Kulkarni)  
Vice-Chairman (J).**

dnk.