

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AUR**

**M.A.NO.209 OF 2020 IN O.A.ST.NO.424 OF 2020  
(Subject:- Condonation of Delay)**

**DISTRICT:-DHULE**

**Rahul Ishwar Pawar,** )  
Aged: 28 yrs, Occ: Nil )  
R/o:- Post Waghale, )  
Tq & Dist. Nandurbar. )...**Applicant**

**V E R S U S**

- 1. The State of Maharashtra,** )  
Principal Secretary, )  
Department of Home, )  
Mantralay, Mumbai-32. )
- 2. The Collector,** )  
Dhule, Tq & Dist. Dhule. )
- 3. The Superintendent of Police,** )  
Dhule Tq. & Dist. )...**Respondents**

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**APPEARANCE** : Shri K.B. Jadhav, learned Advocate for the Applicant.  
: Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

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**CORAM** : **SHRI V.D. DONGRE, MEMBER (J)**

**DATE** : **31.03.2022.**

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**O R D E R**

By this Misc. Application, the applicant is seeking condonation of delay of about 9 years, 2 months and 8 days for filing the Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking appointment on compassionate ground.

2. The father of the applicant was in service of Police Department. While in service, he died in accident on 30.03.1997. The mother of the applicant namely Anita Ishwar Pawar filed application dated 25.03.1998 with the respondent No.3 i.e. the Superintendent of Police, Dhule seeking compassionate appointment. After considering her application, her name was taken in the waiting list. However, she did not get appointment. Meanwhile, the applicant attained age of majority. He, therefore, made application for compassionate appointment on 14.06.2010. The applicant complied with all the necessary requirements in respect of said application. However, no positive steps were taken by the respondent No.3 for considerable period and the applicant did not get an appointment. The applicant, therefore, made various representations from time to time. However, the applicant did not get an appointment. The applicant ought to have been approached the Hon'ble Tribunal but there is delay.

The delay is not intentional. The applicant was waiting for decision of the respondent authorities. Hence, this application for condonation of delay.

3. The application is resisted by the respondent Nos.1 to 3 by filing the affidavit-in-reply of one Shri Pradip Bhivsan Mairale working as Sub-Divisional Police Officer, Dhule Rural Division, Sakri, District Dhule. Thereby he denied the adverse contentions raised in the application and stated that no sufficient cause has been show by the applicant for condonation of delay which is of considerable period. He, therefore, prayed for dismissal of the application.

4. I have heard the arguments advanced by Shri K.B. Jadhav, learned Advocate for the applicant on one hand and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the respondents on other hand.

5. The matter is pertaining to the compassionate appointment. It seems that the mother of the applicant made application within a prescribed period of limitation after death of her husband. She, however, did not get an appointment. During the course of arguments, learned Advocate for the applicant submitted that the applicant's mother become age barred on 30.11.2020 as she

attained the age of 45 years. Meanwhile, after attaining the age of majority, the applicant moved an application within a prescribed period of limitation of one year on 14.06.2010. It seems that the applicant did not hear anything from the respondents as regards the said application. He said to have made representations from time to time after 01.09.2017 to 2019. In the circumstances, some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said negligence cannot be said to be gross or intentional one. Thereby the applicant had nothing to gain.

6. It is a settled principle of law that the expression “sufficient cause” is to be construed liberally. Some duty is cast upon the respondent authorities to apprise the heirs and legal representatives of the deceased Government servant about compassionate appointment. However, nothing is reflected in that regard in the affidavit-in-reply filed on behalf of the respondent. What will be seniority of the applicant in the given circumstances can be decided on merit of the Original Application.

7. In the circumstances as above, in my opinion, this is a fit case to condone the delay. Refusing to condone the delay is likely to defect the cause of justice at the threshold. In the

circumstances this application can be allowed by imposing moderate costs upon the applicant. I compute the costs of Rs.1,500/-(Rs. One Thousand Five Hundred only) on the applicant and proceed to pass the following order: -

**ORDER**

The Misc. Application No. 209/2020 in O.A.St.No.424/2020 is allowed in following terms:-

- (i) The delay of 9 years, 2 months and 8 days in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,500/- (Rs. One Thousand Five Hundred only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

**(V.D. DONGRE)**  
**MEMBER (J)**

**Place:- Aurangabad**

**Date :- 31.03.2022**

SAS. M.A.209/2020 In O.A.St.424/2020