

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH AT AURANGABAD**

**MISCELLANEOUS APPLICATION NO.252/2022  
IN  
ORIGINAL APPLICATION ST. NO.954/2022**

**DISTRICT: AHMEDNAGAR**

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Pallavi d/o. Eknath Bhand,  
Age: 23 years, Occ.: Education,  
R/o. Saroday Vasti, Juna Kangar road,  
Rahuri, Tq. Rahuri,  
Dist. Ahmednagar-413 706.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra  
Through its Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai 400032.

2. Chief Conservator of Forest (Territorial),  
Office of Chief Conservator of Forest,  
Juna Mumbai- Agra Road,  
Trimbaknaka, Nashik- 422002.

3. Deputy Conservator of Forest,  
Van Bhavan, Aurangabad road,  
Ahmednagar - 414 001.

**...RESPONDENTS**

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**APPEARANCE** : Shri O.D.Mane, Counsel for  
Applicant.

: Shri N.U.Yadav, Presenting  
Officer for respondent authorities.

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**CORAM : JUSTICE P.R.BORA, VICE CHAIRMAN.**

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**DECIDED ON : 28.02.2023.**

**ORAL ORDER:**

1. Heard Shri O.D.Mane, learned Counsel for the applicant and Shri N.U.Yadav, learned P.O. appearing for the respondents i.e. State authorities.

2. This is an application filed by the applicant seeking condonation of delay which has occasioned in filing the accompanying O.A. It is the case of the applicant that her father, namely, Eknath Biraji Bhand was serving in the Forest Department as Forest Guard and he died in the year 2005 while in service. The applicant was minor at the relevant time. As stated in the application, the applicant was aged about 7 years when her father died. After the death of her father, mother of the applicant had applied for the appointment on compassionate ground. It is the contention of the applicant that the applicant and the mother both were not aware that her name i.e. name of the widow of the deceased government servant was deleted from the list of the candidates eligible to be appointed on compassionate ground, for the reason that she crossed the age of 40. Such rejection according to the respondents is communicated in the year 2008. The present applicant became major in the year 2016 and thereafter filed an

application in December, 2016 seeking appointment for herself on compassionate ground. Respondents rejected her request vide communication dated 09-01-2017. Said order of rejection is sought to be challenged in the O.A. filed by the applicant annexed with the present M.A.

3. Shri Mane, learned Counsel appearing for the applicant submitted that the request was rejected in January, 2017, the applicant was pursuing the matter with the respondent authorities and had also submitted many representations in the year 2018 as well as in the year 2019. The learned Counsel further submitted that thereafter the period of COVID pandemic started and the applicant could not approach this Tribunal in the said period. Learned Counsel further submitted that immediately after the CORONA pandemic was over, the applicant filed the present O.A. on 10-06-2022. Learned Counsel submitted that most of the period of delay is of the period of CORONA pandemic, and as such, learned Counsel requested for condoning the delay. Learned Counsel further argued that delay caused is unintentional and there are no mala fides in approaching this Tribunal belatedly.

4. Application is opposed by Shri N.U.Yadav, learned P.O. appearing for the State authorities. Learned P.O. submitted that the CORONA pandemic and the period of lockdown started from March, 2020 and the applicant has not explained why in the period between 09-01-2017 to March, 2020 i.e. the period of almost 3 years, the applicant could not file the O.A. Learned P.O. submitted that the very purpose of providing the appointment on compassionate ground is to provide solace to the family of the Government servant dying in harness. Learned P.O. submitted that in the present matter, the government servant has died in the year 2005 and the present application is filed in the year 2022 i.e. almost 17 years thereafter. According to the learned P.O., the very object of providing compassionate appointment has become insignificant or redundant in the present matter. Learned P.O., therefore submitted for rejecting the application for condonation of delay on all the aforesaid grounds.

5. I have considered the submissions advanced on behalf of the applicant as well as the respondent authorities. It is not in dispute that the applicant became major on 27-07-2016 and she filed the application seeking

appointment on compassionate ground on 27-12-2016. The application so submitted by the applicant was rejected vide communication dated 09-01-2017 on the ground that name of the mother of the applicant, namely, Smt. Hirabai Eknath Bhand was already included in the waiting list, however, since the said applicant crossed the age of 40 years, her name was deleted from the waiting list on the said ground way back on 23-04-2008.

6. After the application of the applicant was rejected vide communication dated 09-01-2017, till filing of the present Original Application before this Tribunal, the period of 5 years and 5 months has elapsed. Two grounds are given by way of explanation to justify the condonation of delay which has occasioned; first that, in the meanwhile period, the applicant had made representations with the respondent authorities, and second that, thereafter the period of CORONA pandemic started. Once the application was rejected by the respondents, there was no propriety for the applicant in submitting any more representations thereafter with the same authority and the remedy was to approach this Tribunal or any other appropriate forum against the order of the said authority if according to the applicant her

request was rejected on some untenable grounds. As such, making of representations may not be a ground which can be considered just and sufficient for condoning the delay.

7. So far as the another reason which is of spreading of CORONA pandemic is concerned, it is the matter of record that the lockdown came to be imposed sometime in March, 2020. By that time, the courts were regularly functioning and the applicant could have very well filed the application in the said period. From the period 2017 to 2020 there is absolutely no explanation as to why the applicant could not file the O.A.

8. In the present case, it cannot be said that the applicant was not aware of the consequences of not filing the O.A. within limitation. When she can file application seeking compassionate appointment within a few months of her attaining age of majority, it indicates that she was knowing that such an application has to be filed within a particular period after attaining the age of majority. The O.A. also could have been filed within limitation. The applicant has failed in providing any just and sufficient reason for occurrence of the huge delay of about 4 years in filing the O.A. It need not be stated that, if appropriate and

sufficient grounds are made out, delay of a longer period can also be condoned but if there are no such just and cogent reasons, delay of a shorter period also cannot be condoned. In the instant matter for want of any plausible justification given by the applicant, it is difficult to accept her request to condone the delay. In the aforesaid circumstances, the following order is passed:

ORDER

- [i] M.A.No.252/2022 is rejected.
- [ii] Needless to state that the O.A. annexed to M.A. with O.A.St.No.954/2022 also stands disposed of.
- [iii] No order as to costs.

**VICE CHAIRMAN**

**Place : Aurangabad**  
**Date : 28.02.2023.**