

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
BENCH AT AURANGABAD**

**MISC. APPLICATION NO.145 OF 2018
IN
ORIGINAL APPLICATION ST. NO.310 OF 2018
(Subject :- M.A. For Condonation of day)**

DISTRICT : BEED

Vaijnath Mallikarjun Karadkhele,)
Age -28 Years, Occu: Nil,)
R/o. At post Kharabwadi,)
Tq. Ahemadpur, Dist. Latur.)...**Applicant**

V E R S U S

1. **The State of Maharashtra,**)
Through :Secretary,)
Irrigation Department,)
Mantralaya, Mumbai – 32.)
2. **The Superintending Engineer,**)
Jayakwadi Project Circle,)
Aurangabad.)
3. **The Executive Engineer,**)
Majalgaon Canal Division No.7,)
Gangakhed, Dist. Parbhani.)
4. **The Superintendent of Police,**)
Beed.)
5. **The District Collector, Beed**)
6. **The Secretary,**)
Home Department,)
Mantralaya, Mumbai-32.)...**Respondents**

APPEARANCE :- Shri K.B. Jadhav, learned Advocate for the Applicant.

Shri N.U. Yadav, the learned Presenting Officer for the Respondent Nos.1,2,4 to 6.

Shri S.D. Dhongde, learned Advocate for the Respondent No.3.

CORAM :- JUSTICE A.H. JOSHI, CHAIRMAN

RESERVED ON :- 26.02.2019.

PRONOUNCED ON :- 28.02.2019.

O R D E R

1. Heard Shri K.B. Jadhav, learned Advocate for the Applicant, Shri N.U. Yadav, learned Presenting Officer for the Respondent Nos.1,2,4 to 6 and Shri S.D. Dhongde, learned Advocate for the Respondent No.3.
2. Perused the record annexed to Misc. Application as well as to Original Application.
3. This application is opposed by the State, however case proceeds on admitted facts.
4. It is an admitted fact that:-
 - (a) Applicant's mother was enrolled and waitlisted for appointment on compassionate basis.
 - (b) Name of mother of Applicant remained in waiting list for years yet she did not get appointment and upon attaining 40 years her name was removed from waiting list sometime in year 2008.
 - (c) Applicant applied for substitution of his name on 4.7.2008 and Applicant's application remained pending.

- (d) At no point of time Applicant's claim was rejected, nor he was told/informed that his claim was superseded.
- (e) Even today it is not the plea of the Respondents that at any point of time Applicant's claim was rejected.
5. In the aforesaid premises, Applicant's cause of action for claiming employment is a continuous and recurring cause of action.
6. Hence, the aspect of delay involved in present case is notional.
7. The concession and a right created by the State as a policy matter for compassionate appointment cannot be seen as a fragile matter or a matter in the nature of largesse or alms being given. And seen from this angle, purported delay caused in filing of present Original Application deserves to be condoned in the interest of justice.
8. Therefore, this Tribunal is satisfied that in the interest of justice purported delay caused in filing Original Application is deserves to be condoned.
9. Hence, Misc. Application for condonation of delay is allowed.
10. Parties are directed to bear own costs.

(A.H. JOSHI)
CHAIRMAN

Place:- Aurangabad

Date :- 28.02.2019

SAS. O.A.No.M.A.145/18 in O.A.St.310/2018.Condonation of Delay