

MAHARASHTRA ADMINISTRATIVE TRIBUNAL

NAGPUR BENCH NAGPUR

ORIGINAL APPLICATION NO. 548/2015.

Pranav Diliprao Khadatkar,
Aged about 23 years,
Occ-Nil,
R/o C/o Govindrao Deshmukh,
Plot No.26, Ishwar Nagar,
Medical Colony, Nagpur.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Public Health,
Mantralaya, Mumbai-440 032.
- 2) The Dy. Director of Health Services,
Nagpur Circle, Nagpur.
- 3) The Collector,
Nagpur.
- 4) The Medical Superintendent,
Regional Mental Hospital, Nagpur.

Respondents

Shri S P. Palshikar, Advocate for the applicant.
Shri M.I. Khan, P.O. for respondents.

Coram:- S.S. Hingne, Member (J).

Dated: - 2nd September 2016.

ORDER

With the consent of parties, O.A. is taken up for final hearing at the admission stage.

2. Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

3. The applicant seeks appointment on compassionate ground.

4. Applicant's mother Neeta was serving as Sister Nurse and expired on 5.4.2004 due to heart attack. The applicant being a son, sought appointment on compassionate ground. But his application is rejected vide communication dated 22.1.2015 (A.1, P.18) passed by Deputy Director of Health Services, Nagpur and further communication dated 31.1.2015 (A.2, P.20) issued by Medical Superintendent on the ground that the application was filed late by five months. Applicant's case is put in tabular form giving clear picture.

<u>Sr. No.</u>	<u>Date</u>	<u>Happenings.</u>
1	5.4.2004	Neeta died.
2	18.3.1992	Date of birth of the applicant.
3	18.3.2010	Attaining majority
4	28.4.2010	Application (A.3,P.21) submitted by grandmother of the applicant appointing grandson i.e. the applicant.
5	12.8.2011	Application (A.4,P.22) submitted by the applicant.

5. On attaining majority i.e. 17.3.2010, th grandmother of the applicant submitted an application on 28.4.2010 (A.3,P.21) for

appointing the applicant on compassionate ground on attaining majority. This application is moved immediately within 1 month and 10 days. Thereafter second application dated 12.8.2011 is moved. Applicant's claim is denied on the ground that the application was not filed within a year and therefore, it is rejected vide impugned orders dated 22.1.2015 (A.1, P.18) and 31.1.2015 (A.2, P.20).

6. The respondents admit the receipt of application dated 28.4.2010. Applicant's right accrues on attaining the majority i.e. 17.3.2010. Thereafter within a month, this application dated 28.4.2010 was moved which is an admitted position by the respondents. If this application is taken into consideration, there is no delay. However, the applicant has moved second application on 17.8.2011 (A.4, P.22) which is after giving grace period of one year. It is late by 1 month and 7 days.

7. In the above state of affairs, rejection of the application by the respondents is not proper, legal and valid, because his first application was already within time and delay in second application was moved after 7 days is very meagre period which deserves to be condoned.

8. As a sequel to this, O.A. is allowed in the following terms:

(i) The impugned communications dated 22.1.2015 and 31.1.2015 are quashed.

(ii) Applicant's name be listed in the wait list considering his application dated 18.4.2010.

(iii) It is further directed to consider the case of the applicant for appointment on compassionate ground, according to law.

(iv) No order as to costs.

(S.S.Hingne)
Member (J)

pdg

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