

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 548/2016

Prashant S/o Krushnaraoji Ingole,
Aged about 37 years, Occupation - Nil,
Resident of Dhamangaon Railway,
District Amravati.

Applicant.

Versus

- 1) State of Maharashtra
through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
- 2) The Superintendent of Police,
Office at Amravati (Rural),
District Amravati.

Respondents

Shri Amol Mardikar, Advocate for the applicant.

Smt. S.V.Kolhe, P.O. for the respondents.

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

JUDGMENT

(Delivered on this 11th Day of April 2017)

Heard Shri A.Mardikar, Id. counsel for the applicant and
Smt. S.V.Kolhe, Id. P.O. for Respondents.

2. The applicant Prashant Krushnaraoji Ingole has filed this
O.A. for direction to R-2 to appoint him on a suitable post as per his

qualification on compassionate ground condoning the period of limitation.

3. The applicant belongs to OBC category and his father Krushnaraoji Ingole was working as Head Constable and died on 04/04/1983 due to prolong illness during his service period. The applicant was minor at that time. He has become major in the year 2000.

4. The applicant has filed application for appointment on compassionate ground but his application was not considered and hence this O.A..

5. The R-2 submitted that the applicant's father died on 04/04/1983 and the applicant didn't filed application for compassionate appointment within five years from the death of his father and even within one year from the date of attaining majority and therefore he cannot be considered for compassionate appointment.

6. Perusal of the records shows that for the first time the applicant filed the application for appointment on compassionate ground on 15/10/2015 as per **Annexure-A-5** vide letter dated 07/11/2015 (**Annexure-A-6**). The applicant was intimated that his application cannot be considered since it was not filed within five years from the death of his father and even within one year from the date of attaining majority. Similar communication was issued to the

applicant again in 2016 vide letter number 3340/2016, copy of which is at paper book page number 16. Applicant was also asked as to whether he has filed any application for compassionate appointment within limitation. The applicant didn't reply that query and has filed this O.A.

7. From the facts on the records it will be crystal clear that though the applicant's father died on 04/04/1983, the application for the compassionate appointment has been filed after a long period that is on 15/10/2015. The applicant's claim has, therefore, been rightly rejected by the respondents authority while communication dated 07/11/2015. I therefore don't find any illegality in the communication dated 07/11/2015. Appointment is not a vested or hereditary right in the L.R.'s of disease employees. Hence the following order :-

ORDER:-

Application stands dismissed with no order as to costs.

(J.D.Kulkarni)
Vice Chairman

aps.