

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 124 / 2017 (S.B.)

Eknath Gulabrao Wankhede,
Aged about 33 years, Occ. Nil,
R/o Jawla Bk. (Dodki),
Tah. & Dist. Akola.

Applicant.

Versus

- 1) The State of Maharashtra,
Through the Secretary,
Department of Revenue & Forest,
Maharashtra State,
Mantralaya, Mumbai.
- 2) The Collector,
Collector Office at Akola,
Tah. & Dist. Akola.
- 3) The Sub Divisional Officer,
Akola, Tah. & Dist. Akola..
- 4) The Tahsildar, Akola,
Tah. & Dist. Akola.

Respondents

Shri S.Kulkarni holding for Shri S.D.Chande, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 27.07.2023.

JUDGEMENT

Heard Shri S.Kulkarni holding for Shri S.D.Chande, Id. counsel
for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. The original application was dismissed by this Tribunal as per Judgment dated 22.11.2017 on the ground that there was delay in submitting the application for appointment on compassionate ground, hence the C.A.No.62/2017 for condonation of delay is dismissed and consequently the O.A. also stands dismissed. The said order was challenged before the Hon'ble High Court. The Hon'ble High Court has held that the delay in approaching the MAT is well explained and the order passed by the M.A.T. is liable to be quashed and set aside. Now, there is no question of delay.

3. Ld. P.O. has pointed out that there is a huge delay in this application. Now, once the issue is decided by the Hon'ble High Court, there is no question to reagitate before the Tribunal again.

4. Ld. Counsel for the applicant has submitted that only on the ground of delay, O.A. was dismissed by the Tribunal. Again the issue of delay cannot be decided by the Tribunal as it is already decided by the Hon'ble High Court that delay is well explained and the order passed by the Tribunal dismissing the C.A. along with O.A. is quashed and set aside.

5. The father of applicant was working on the post of Kotwal. He died on 22.06.2005 while he was on duty. After the death of father of applicant, applicant himself did work of Kotwal without any salary for

near about one year. The said certificate is attached at P. 28 was issued by Revenue Officer, Kurankhed.

6. The applicant had made application for appointment on compassionate ground on 28.07.2005. Ld. P.O. has submitted that there is no any endorsement. Copy of the same is filed on record, it shows that it is dated 28.07.2005. Again he made application on 01.07.2013.

7. Now, the question of delay does not arise as it is already decided by the Hon'ble High Court. There is no other ground raised by the respondents to oppose the O.A.. Hence, the following order:-

A. The O.A. is allowed.

B. The respondents are directed to enter the name of the applicant in the seniority list for appointment on compassionate ground and provide employment, if he is eligible, as per rules.

C. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :-27/07/2023.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 27/07/2023.
and pronounced on

Uploaded on : 28/07/2023.