

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 779 of 2015

Amit S/o Digambar Lanjewar,
Aged : 26 Yrs., Occ. – Nil,
R/o Plot No. 143, Sailani Nagar,
Gorewada, Nagpur.

Applicant.

Versus

1) The State of Maharashtra
through its Secretary,
Ministry of Home Department,
Mantralaya, Mumbai-32.

2) Inspector General of Police,
Maharashtra State, Mumbai-01.

3) Commissioner of Police,
Civil Lines, Nagpur.

4) Asst. Commissioner of Police,
(Headquarter), Nagpur.

Respondents

Shri P.N.Shende, Id. Advocate for the applicant.

Shri H.K.Pande, Id. P.O. for the respondents.

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

JUDGMENT

(Delivered on 26th day of September, 2017)

Heard Shri P.N.Shende, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. The applicant in this O.A. has claimed appointment on compassionate ground. His claim was rejected by Respondent no. 4 vide letter dated 10/03/2015. The applicant has therefore, claimed direction to Respondent nos. 2 and 3 to provide him employment w.e.f. 2014 in place of his father.

3. The applicant's father was appointed as a Police Constable. His performance was excellent, however, on 08/09/2014 he applied for voluntary retirement due to attack of paralysis and ultimately died due to illness. The applicant thereafter applied for grant of applicant on compassionate ground. However, vide communication dated 15/03/2015 by Respondent no. 4, his application was rejected on the ground that the same was filed beyond the period of one year.

4. The Respondent nos. 3 & 4 has resisted the claim of the applicant and submitted that the application is hopelessly barred by

limitation. The applicant's father expired on 27/06/2006 due to illness and prior to that he got retired voluntarily on medical ground on 21/06/2005. The applicant filed application for compassionate appointment on 08/09/2014 and, therefore, the same was rejected.

5. It is material to note that before the death of the applicant's father, applicant's father got retirement voluntarily on medical ground. There is nothing on record to show that he was allowed to retire on medical ground or that the applicant was entitled to claim service in place of his father or was assured.

6. Even for the argument sake, it is accepted that the applicant's father died after he was allowed to retire voluntarily on medical ground, he has not filed the application on compassionate ground immediately within one year of the death of his father. It is also the case of the applicant that he was minor at the time of death of his father. As already stated, the applicant's father died on 27/06/2006 and his father had already retired prior to that on 21/06/2005. The application for the first time for getting appointment was filed on 08/09/2014 i.e. eight years after the death of his father. The reasons for rejection of application vide impugned communication 10/03/2015 are perfectly legal and proper and I don't find any illegality in the said

communication. Appointment on compassionate ground is not a legal right. It is under particular schemes such appointments are made. If the applicant has not applied within time as per the provisions of the Rules, even after attaining majority and hence this Tribunal cannot insist on the Respondents authority to consider the case of the applicant. In view thereof, the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

aps