

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**REVIEW APPLICATION NO.14 OF 2022
IN
ORIGINAL APPLICATION NO.221 OF 2020**

Shri Sachin Vilas More.)
Age : 35 Yrs., Occu.: Nil,)
R/at. Bhilawadi, Tal.: Palus,)
District : Sangli.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through Principal Secretary,)
Revenue Department, Mantralaya,)
Mumbai – 400 032.)
2. Deputy Commissioner (Revenue),)
Divisional Commissioner's Office,)
Pune Division, Pune.)
3. The District Collector.)
Sangli.)...**Respondents**

Mr. L.K. Kalel, Advocate for Applicant.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : A.P. KURHEKAR, MEMBER-J

DATE : 17.02.2023

ORDER

1. This Review Application is filed for review of order passed by the Tribunal in O.A.No.221/2020 on 26.04.2022 whereby claim for compassionate appointment was rejected. The Applicant had filed O.A.

contending that his father had applied for voluntary retirement on 13.07.2004 and in that application, he had requested for appointment to his son on the post of Peon. However, it was noticed that application for voluntary retirement was not processed and it was kept pending for long time without taking any decision and ultimately his father stands retired on superannuation on 31.01.2006. Thereafter, he made representations on 19.09.2018, 01.10.2019 and 05.09.2019 for appointment in place of his father, which came to be rejected. In O.A, all that one Circular dated 14.04.1981 was referred for claiming the appointment. The Tribunal observed that Circular dated 14.04.1981 does not confer any right upon the Applicant for appointment in Group 'D' after retirement of his father and no further G.R. or policy was shown that where Government servant retired on superannuation, his son is entitled to appointment in Group 'D'. Therefore, the Tribunal concluded that in absence of any such policy, the claim is not maintainable. That apart, the Tribunal also observed that his father retired on 31.01.2006 and period of more than 14 years was over. He made representations quite belatedly on 11.09.2018 and thereafter only. The Tribunal accordingly dismissed the O.A.

2. Now in R.A, the learned Advocate for the Applicant sought to contend that his client is subjected to discrimination, since Respondents have given such appointment to one Kailas Kamble by order dated 01.07.2005. According to learned Advocate for the Applicant, this aspect is not considered by the Tribunal, which is totally incorrect. In Para No.2 of the Judgment, the Tribunal observed that Kailas Kamble was appointed in pursuance of selection through Selection Committee and it was not appointment on compassionate ground. Now in R.A, the Applicant has tendered the appointment order of Kailas Kamble dated 01.07.2005 which also makes it quite clear that his appointment was through Selection Committee. Suffice to say, the submission advanced in R.A. that the issue of appointment to Kailas Kamble was not considered by the Tribunal is totally incorrect.

3. Needless to mention, the scope of review is very limited and unless it comes within the parameters of order 47 Rule 1 of CPC, the order cannot be reviewed. There is no such apparent error on the face of record neither there is discovery of new material or evidence which after exercise of due diligence was not within the knowledge of the Applicant or could not be produced by him at that time when order was passed. The matter cannot be re-heard under the guise of review. If the decision which is rendered by the Tribunal is incorrect, the remedy is to challenge it before higher forum and not by review.

4. For the aforesaid reason, I see no merit in the R.A. and it is liable to be rejected. The R.A. is accordingly rejected with no order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai

Date : 17.02.2023

Dictation taken by :

S.K. Wamanse.

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