

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
CIVIL APPLICATION NO.357/2019 IN
ORIGINAL APPLICATION STAMP NO. 1872/2019 (S.B.)

Murlidhar Pandurang Landge,
Aged about 34 years, Occ. Nil,
R/o. Goregaon (Pundlik Maharaj),
Tah. Murtizapur, District Akola.

Applicant.

Versus

1. The State of Maharashtra,
through its Secretary,
Department of Home Affairs,
Mantralaya, Mumbai- 400 032.
2. Director General of Police,
Mumbai, office at Shahid Bhagatsingh Road,
Kulaba, Mumbai-1.
3. Superintendent of Police,
Akola, Tah. & Distt. Akola.
4. The Collector, Akola,
Tah. & Distt. Akola.

Respondents

Shri S.N.Gaikwad, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 21st February, 2024.

JUDGMENT

Heard Shri S.N.Gaikwad, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents.

2. The father of applicant was serving as Class-IV employee with respondent department. He was compulsorily retired w.e.f. 13.08.1980 on the ground of ill-health. The Petitioner was minor, therefore after attaining the age of majority the Petitioner applied for appointment on compassionate ground. On 06.11.2019, the Collector, Akola has issued communication to the respondent no.2 i.e. Superintendent of Police, Akola by which he was informed for appointment on compassionate ground. The respondent no.2 rejected the claim of applicant on the ground of there is delay in applying for compassionate appointment. Hence, the applicant has prayed to condone the delay of 2761 days in filing the present application.

3. The O.A. is strongly opposed by the respondents in para

4. It is submitted that the applicant was already informed on

03.01.2012 stating that his claim is rejected, but the applicant has not filed the O.A. within limitation before this Tribunal.

4. During the course of submission, learned counsel for the applicant has pointed out Government Circular dated 22.05.2013 and order dated 03.01.2012. The learned counsel for the applicant has pointed out the decision in O.A.No.800/2020. The learned counsel for the applicant has submitted that in similar matter delay is condoned of 8 years by this Tribunal. Hence, prayed to condone the delay.

5. The learned P.O. has pointed out that inordinate delay cannot be condoned. The applicant was already informed in the year 2012. He should have applied before this Tribunal as early as possible. This O.A. is filed in the year 2019. The father of applicant was compulsorily retired in the year 1980. Hence, delay cannot be condoned.

6. The G.R. dated 21.09.2017 is very clear. As per this G.R., application for appointment on compassionate ground is to be made within one year from the date of death or retirement on compulsorily ground. The father of applicant was retired compulsorily in the year 1980. Now, near about 44 years have lapsed. At this juncture, it cannot be said that the applicant is in distress. The Judgment which is cited by the learned counsel for the applicant in

O.A.No.800/2020 is on different footing in para 8 of the order. This Tribunal has recorded its findings that the applicant had not applied for appointment on compassionate ground. The name of the mother of applicant was wrongly entered by the respondents. It was for the respondents to see as to whether she was entitled for appointment on compassionate ground. Therefore, delay was condoned. In the present matter, the fact is very much different. No name of the family member entered in the waiting seniority list. In the cited decision the name of mother of applicant was wrongly entered in the waiting seniority list and therefore, the delay was condoned. Hence, cited decision is not applicable in the present O.A.. The delay is near about 44 years from the date of compulsory retirement of the father of applicant such a long delay cannot be condoned. Hence, Condonation of delay application is rejected with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 21/02/2024
rsm.

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 21/02/2024.
Uploaded on : 26/02/2024.
