

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC APPLICATION NO.352 OF 2024
IN
ORIGINAL APPLICATION NO.499 OF 2024**

DISTRICT : MUMBAI

Kamini Kishor Makwana, Aged 43 Years,)
R/at 4/303, Durga Parmeshwari Apartment,)
Achole Road, Gala Nagar, Nalasopara (East),)
Maharashtra – 401 209.)... **Applicant**

Versus

1. The State of Maharashtra, through)
Its Principal Secretary, Home Department,)
Government of Maharashtra, Mantralaya,)
Mumbai 400 032.)
2. The Police Surgeon, Police Hospital)
Nagpada, Mumbai 400 008.)...**Respondents**

Shri A. Pawar, learned Advocate for the Applicant.

Shri A.D. Gugale, learned Presenting Officer for the Respondents.

CORAM : Hon'ble Shri M. A. Lovekar, Hon'ble Member (J)

Reserved on : 13.01.2025

Pronounced on : 16.01.2025

JUDGEMENT

Heard Shri A. Pawar, learned Advocate for the Applicant and
Shri A. D. Gugale, learned Presenting Officer for the Respondents.

2. Jethabhai, Father-in-Law of the Applicant, was working as 'Sweeper'. He retired on superannuation on 31.05.2008. Manoj, husband of the Applicant applied for appointment on compassionate ground on 24.06.2019 as heir of Jethabhai. According to the Respondents, said application was rejected because it was filed more than one year after retirement of Jethabhai. Jethabhai's another son Bharat then made an application for appointment on compassionate ground in the Year 2022.

It was also rejected on the same ground. By filing Affidavit, Jethabhai intimated the department that his Daughter-in-Law, the present Applicant (wife of another son Kishore) be treated to be his 'heir' for appointment on compassionate ground. The Applicant filed the Original Application No.499/2024, on 18.04.2024. By order dated 14.06.2024, she was directed to file application for condonation of delay. Accordingly, this Misc. Application is filed.

3. It is the contention of the Applicant that there was in fact no delay in filing Original Application. According to her, it was the duty of the department to apprise the family about time limit within which application for appointment on compassionate ground could be made and since this was done, question of delay in submitting application for appointment on compassionate ground would not arise.

4. It is not disputed that initially Manoj was named as heir for appointment on compassionate ground by Jethabhai. Thereafter, he named his other son Kishor, husband of the Applicant as his heir and lastly, the Applicant was so named after claims of Manoj and Kishor were rejected as being time barred. In this factual background, the Applicant cannot make a grievance that the department ought to have informed them about the time within which application for appointment on compassionate ground was required to be made. Apart from this ground, which is found to be untenable, no other ground is raised to explain the delay.

5. Misc. Application is thus liable to be dismissed. It is accordingly dismissed with no order as to costs.

Sd/-
(M. A. Lovekar)
Member (J)