

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC. APPLICATION NO.526 OF 2023
IN
ORIGINAL APPLICATION NO.1013 OF 2023**

**DISTRICT: PUNE
SUB : COMM.APPOINTMENT**

Smt. Priyanka Suresh Jawak, (Name before -)
marriage Kum. Priyanka C. Bhondave))
Age:- 27 years, Occ. Unemployed.)
R/o Ranjhangao (Mashid), Tq. Parner, Dist.)
Ahmednagar, Pin Code 413703.)... **Applicant**

Versus

1) The State of Maharashtra.)
2) The District Superintendent, Agriculture)
Officer, 30-1, K B Joshi Path, Narveer)
Tanaji Wadi, Shivaji Nagar, Pune 411005.)...**Respondents**

Shri H. P. Randhir, learned Advocate for the Applicant.

Smt. Archana B. K., learned Presenting Officer for the Respondents.

CORAM : Shri Ashutosh. N. Karmarkar, Hon'ble Member (J)

DATE : 05.09.2024

ORDER

1. This is an application for condonation of delay of 2160 days caused in filing Original Application.

2. After the death of father of the Applicant on 08.02.2004 from Applicant's mother filed an application dated 13.07.2004 to the Respondent No.2 for appointment on compassionate ground. On 04.06.2012, the Applicant's mother learnt from Respondent No.2 that her name was deleted from the waiting list as per G.R. dated 22.08.2005 as she attained the age of 40 years.

Then the Applicant's mother filed an application on 03.05.2016 for compassionate appointment of her daughter i.e. present Applicant. Similarly, the Applicant had also filed an application on the same day. The Applicant's mother has also forwarded representation for the same relief on 05.05.2016. The Applicant was informed by Respondent No.2 vide letter dated 26.10.2016 that her application cannot be considered. The Applicant again forwarded letter dated 02.01.2017 to consider her application for compassionate appointment. She was informed on 30.01.2017 by Respondent No.2 about rejection of her application. According to Applicant, on getting knowledge of various judgments of the Hon'ble Supreme Court and this Tribunal, she approached the Hon'ble High Court Bombay by filing W.P. No.1681/2023. The said proceeding was disposed of with liberty to Applicant to avail alternate remedy. Therefore, this application is filed along with O.A.No.1013/2023.

3. The Respondent No.1 & 2 have filed their reply. According to them, the Applicant has not mentioned specific and concrete grounds for delay in filing application. According to them, the Applicant was informed vide letter dated 26.10.2016 that her case was not considered for compassionate appointment.

4. I have heard Shri H. P. Randhir, learned Advocate for Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents. Both the parties have submitted as per their respective contentions.

5. It is clear from the papers that initially the Applicant's mother got knowledge on 04.06.2012 that her name was deleted from the waiting list after completion of her age of 40 years. It is undisputed fact that Applicant's mother and then this applicant filed their applications for compassionate appointment of Applicant vide letters dated 03.05.2016, 05.05.2016 & 22.06.2016. It appears from the contents of application that the Applicant was informed by Respondent vide letter dated 26.10.2016 that her application cannot be considered.

6. According to Applicant the said communication dated 26.10.2016 is not served on Applicant. But the copy of application dated 02.01.2017 of present Applicant shows reference of this letter of Respondent No.2 vide outward no.जिअकृअ/आस्था-२/अनुकंपा/७४७४/१६, dated 26.10.2016. Therefore, it is clear that Applicant was having knowledge about the said letter. So, the Applicant could have approached this Tribunal within 1 year from 26.10.2016 or at least from her letter dated 02.01.2017 (page 43 of OA). The Applicant has not mentioned any sufficient and reasonable cause for not approaching the relevant forum to challenge the said order dated 26.10.2016 or 30.01.2017.

7. On the contrary, the Applicant has again forwarded her representation of same nature dated 29.12.2017 to Respondent No.2. It is held by the Hon'ble Apex Court in case of **(Naresh Kumar V/s Department of Atomic Energy & Others) (2010) 7 SCC 525** in para 15 it is held that if an employee keeps making representation after representations which are consistently rejected then the Applicant cannot claim any relief on that ground.

8. It is apparent that after impugned letter dated 30.01.2017, the Applicant approached the Hon'ble High Court in the year 2023 claiming such relief. It is not made clear by the Applicant as to what were the causes or facts which prevented her to avail remedy by approaching proper forum from 30.01.2017 to year 2023.

9. In absence of such sufficient and reasonable causes, it would be difficult to accept that Applicant was diligent. There is total inaction on the part of Applicant in approaching proper forum for long period of more than 5 years. Therefore, the Original Application deserves to be dismissed. Hence, the following order :-

ORDER

- (A) Misc. Application No.526/2023 is dismissed. Consequently, Original Application No.1013/2023 is disposed of accordingly.
- (B) No Order as to Costs.

Sd/-

(Ashutosh N. Karmarkar)
Member (J)

Place: Mumbai

Date : 05.09.2024.

Dictation taken by: V. S. Mane

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