

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO 1115 OF 2016**

DISTRICT : THANE

Smt Vandana Madhukar Padwal,)
R/at Post Malegaon, Tal-Shahpur,)
Dist-Thane 421 403.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai 400 032.)
2. The Chief Conservator of Forest,)
Thane Division, at Thane.)...**Respondents**

None for the Applicant.

Shri N.K Rajpurohit, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**

RESERVED ON : **17.01.2018**

PRONOUNCED ON : **29.01.2018**

ORDER

1. None for the Applicant. Heard Shri N.K Rajpurohit, learned Presenting Officer for the Respondents.

2. This Original Application proceeds on following admitted facts:-

(a) Her husband died while in Government service in 2001.

(b) Applicant was included in the waiting list as dependent of deceased Government servant.

- (c) Applicant attained age of 40 years sometime in 2006 and by order dated 4.10.2008, applicant's name has been removed from the waiting list.
- (d) By G.R dated 6.12.2012, upper age limit is relaxed to 45 years.
- (e) Applicant has averred in para 6.7 that her name was removed from the list on the ground that she had attained 40 years of age in 2006.

3. At no point of time, either in the past or even in the present Original Application, applicant has disputed the fact that she was not 40 years of age in 2006.

4. Based on the calculation of the age as is an admitted fact applicant has crossed 40 years in 2006 and 45 years in 2011. Thus, applicant was already over age even on the date when the age of entry for compassionate appointment was extended by the Government to 45 years, by G.R dated 6.12.2012.

5. Thus, applicant's claim is in the nature of a mercy petition and not based on legal right. Had the applicant objectively ascertained her entitlement, she could have never wasted loss of time and expenses which has occurred in approaching this Tribunal, and could have avoided the waste of this Tribunal's time

6. Since Original Application does not have any merit, it is dismissed. No order as to costs.

Sd/-
(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 29.01.2018
Dictation taken by : A.K. Nair.