

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1025/2023 (S.B.)**

Bhushan S/o Dnyaneshwar Marodkar,
Aged about 35 years, Occupation - Nil,
Resident of Mangaldham Colony,
Dastur Nagar, Amravati – 444 606.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary,
Department of Vocational Education & Training,
Mantralaya, Mumbai.
- 2) The Director of Vocational Education & Training,
Maharashtra State, Mumbai.
- 3) The Deputy Director of Vocational Education & Training,
Amravati, Morshi Road, Amravati.
- 4) The Collector, Amravati.

Respondents

Shri S.Pande, Id. Advocate for the applicant.

Shri A.M.Khadatkar, Id. P.O. for the respondents.

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

JUDGMENT

Judgment is reserved on 19th Nov., 2024.

Judgment is pronounced on 28th Nov., 2024.

Heard Shri S.Pande, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

2. Father of the applicant died in harness on 07.12.2007. He was holding a Group-B post (Non-Gazetted) of Craft Teacher. On 06.02.2008 the applicant submitted application (A-1) for appointment on compassionate ground. However, nothing was done. Therefore, he made representations dated 14.07.2023 and 01.09.2021 (Annexures – A-2 & A-3, respectively). As per G.R. dated 27.09.2021 (A-5) even dependents of deceased employee holding a Group-B post can be considered for appointment on compassionate ground. According to the applicant, the respondents might not have considered his application for appointment on compassionate ground because his deceased father was holding a Group-B post. This ground is no longer tenable in view of G.R. dated 27.09.2021. Hence, this Original Application seeking directions to the respondents to include name of the applicant in wait list for appointment on compassionate ground.

3. Stand of respondents 2 to 4 is as follows. As per G.R. dated 17.01.2004 (A-R-1) revised pay scale of Rs. 5500-9000/- was made applicable to Craft Teachers w.e.f. 01.01.1996. As per G.Rs. dated 02.07.2002 (A-R-III) and 27.05.2016 employees fixed in the pay scale of

Rs. 5500-9000/- are classified as Group-B (Non-Gazetted) employees. As per G.R. dated 28.03.2001 (A-R-IV) only dependents of Group-C and Group-D employees could be considered for appointment on compassionate ground.

4. As per Section 20 (2) (b) of the Administrative Tribunals Act, cause of action to approach the Tribunal arises *inter alia* on expiry of six months from the date of representation/ application if no order is passed on it. In this case the applicant had applied for appointment on compassionate ground on 06.02.2008. He could have waited for six months thereafter before approaching the Tribunal. Thus, cause of action had arisen in this case on 06.08.2008. It is settled legal position that subsequent representations could not have arrested period of limitation once it had started to run. Keeping this legal position as well as period of limitation of one year stipulated by Section 21 (1) (b) of the Act the O.A. ought to have been filed within one year from 06.08.2008. Instant O.A. was filed on 08.09.2023 which is clearly barred by limitation.

5. It is the contention of the applicant that wait list as on 31.05.2021 at A-4 would show that dependents of some Craft Teachers were wait listed for giving appointment on compassionate ground and hence benefit of parity should be extended to the applicant. This

submission will not enable to the applicant to get over the hurdle of limitation. **The O.A. is dismissed as barred by limitation, with no order as to costs.**

Member (J)

Dated :- 28/11/2024
aps

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

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 28/11/2024
and pronounced on

Uploaded on : 29/11/2024