

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9137 OF 2013

Pravin Ramrao Chavan .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri R. R. Suryawanshi, Advocate for the Petitioner

Smt. S. A. Dhumal, A. G. P. for the Respondent Nos. 1 and 2

CORAM : S. V. GANGAPURWALA AND

V. L. ACHLIYA, JJ.

DATE : 14TH JANUARY, 2015.

PER COURT :

1) The petitioner had applied for appointment on compassionate ground. The application is rejected on the ground of limitation.

2) Mr. Suryawanshi the learned counsel submits that though the father of the petitioner died on 10th March, 2003, the petitioner at that time was minor and became major only on 03/07/2009 and had applied for appointment on compassionate ground on 13.09.2011. The learned counsel submits that in the year 2009–2010 the petitioner was a student. According to the

learned counsel, even the Apex Court has held that the delay has to be liberally condoned and relies on the judgment of **Collector, Land Acquisition, Anantnag and Another V/s Mst. Katiji and Others** reported in **AIR 1987 SC 1353**.

3) The learned counsel for respondent No. 3 submits that in view of Government Resolution dated 11th September, 1996, the petitioner has to apply within a period of one year on attaining the age of majority. In the present case the application is filed after two years two months on attaining majority, as such is rightly rejected.

4) The dates which are given by the respondents in the affidavit in reply are not disputed. The judgment of the Apex Court in a case of “**Collector, Land Acquisition, Anantnag and Another V/s Mst. Katiji and Others**” referred supra would apply while considering the provisions of Section 5 of the Limitation Act.

5) In the present case the question of applicability of Section 5 of Limitation Act, does not arise as the appointment on compassionate ground is governed by the scheme floated by the

Government from time to time. If the Government Resolution or any policy of the Government lays down the power to condone the delay, then the authorities can consider the same. If there is a power to accept the application after a particular time the authorities may consider to condone the same liberally.

6) No Government Resolution or any scheme has been brought to our notice wherein such power to condone the delay or to accept application after lapse of one year is provided. In light of that, no orders can be passed in the present writ petition.

7) However if the petitioner is in a position to lay hands on any policy or the Government Notification or a Circular giving power to the authority to accept the application for appointment on compassionate ground within extended period then the petitioner may bring it to the notice of the concerned authority, which the authority would consider liberally. Writ petition disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]