

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 9425 OF 2013

PRAMOD VISHWNATH PANCHAL
VERSUS
THE CHIEF GENERAL MANAGER, TELECOM MAHARASHTRA
CIRCULBSNL AND OTHERS

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Advocate for Petitioner : Mr. Thote Dhananjay K
Advocate for Respondent Nos.1 to 3 : Mr. Sharma Alok M.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 04th February, 2015.

P.C.:

. Mr.Thote, learned counsel submits that the application for condonation of delay is rejected without considering the grounds set out by the Petitioner in the application for condonation of delay. The Petitioner was ignorant of the provisions and the forum where the proceedings are to be filed so also because of the financial difficulty, the said proceedings could not be filed. The learned counsel submits that the application for condonation of delay has to be liberally construed. The learned counsel relies on the judgment of the Apex Court in a case **Collector Land Acquisition, Anantnag and another Vs. Mst. Katiji and others**, reported in, **[AIR 1987 Supreme Court 1353]**.

2 Mr.Sharma, learned counsel for the Respondents submits that there was a delay of more than three years. No sufficient cause was put forth. Even on merits, the Petitioner is not entitled to as per the scheme of compassionate appointment, the person who has got more than 55 points is entitled to be considered for appointment on compassionate

ground. The Petitioner has got only 42 points.

3 No doubt the application for condonation of delay has to be liberally construed. When technical consideration and cause for substantial justice are pitted against each other, the cause for substantial justice has to be subserved. However, the concept of sufficient cause cannot be stretched to such an extent that the said concept itself loose its efficacy. The delay is of three years. It is also not in dispute that the Petitioner was served with the order refusing appointment on compassionate ground in the year 2008 itself. The original application is filed in the year 2011. The reasons stated is of financial difficulty and ignorance of the forum where the matter has to be filed. The same does not appear to be reasonable. Even otherwise, on merits also, the Petitioner may not have strong case.

4 Considering the aforesaid aspects of the matter, the Tribunal has not committed any error while passing the impugned order.

5 Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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