

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4726/2015

Deepak s/o Madhavrao Padalkar

...Versus...

State of Maharashtra, through its Secretary, Department of Revenue & Forest,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Dhore, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 11.09.2015

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, dated 2.7.2014, dismissing the original application filed by the petitioner as being barred by limitation.

The father of the petitioner was Grade-D employee of the respondent and was discharged from the services. The petitioner was appointed on the post of clerk on compassionate ground on 24.6.1996. According to the petitioner, the petitioner ought to have been appointed as an accountant and not as a clerk in the year 1996 as he was graduate. The petitioner, therefore, filed the original application in the year 2012, seeking a direction to the concerned respondent to appoint him on the post of accountant as some other employees were appointed as

accountants on compassionate ground as they were graduates. The Tribunal dismissed the original application filed by the petitioner on the ground of limitation.

On hearing the learned Counsel for the petitioner and on a perusal of the impugned order, it appears that the order of the Tribunal cannot be interfered with in exercise of the writ jurisdiction. The cause of action to file the original application arose in the year 1999 when certain employees were appointed as accountants. The Tribunal found that the original application was belatedly filed after a period of more than 13 years from the date of the accrual of the cause of action. The Tribunal held that mere making of representations could not have enlarged the time. The Tribunal rightly followed the judgment of the Hon'ble Supreme Court reported in *(1997) 11 SCC 13* to dismiss the original application on the ground of delay. The Tribunal held that if the first representation was not favourably considered, the filing of subsequent representation was inconsequential. The petitioner ought to have approached the Tribunal within a reasonable time, if his first representation was not favourably considered.

Since the order of the Tribunal is just and proper, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar