

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

BENCH AT AURANGABAD.

WRIT PETITION NO.10166 OF 2017

Ashamati Dattatraya Jagdale ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.R.P.Dhase, advocate for the petitioner.
Mrs.A.V.Gondhalekar, Additional Government
Pleader for the State.

...

**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 14.08.2017.

PER COURT :

1. Mr.Dhase, learned counsel submits that Misc. Application is filed by the present petitioner before the Maharashtra Administrative Tribunal, Bench at Aurangabad, seeking condonation of delay of 510 days in filing

Original Application, seeking appointment on compassionate ground.

2. The learned counsel submits that the husband of the petitioner was working with Irrigation Department since 1967. He died on 1.3.1994 while in service. On 22.2.1995, the petitioner applied for appointment on compassionate ground. Till 2005, the petitioner was not given any appointment order and in the year 2005, it was suggested to the petitioner that she may request for compassionate appointment in favour of her daughter instead of herself. The learned counsel submits that the Respondent-authorities for the first time communicated to the petitioner that she was given appointment on compassionate ground but did not join the duties and therefore, her request for compassionate appointment can not be considered. This was communicated on 6.11.2006. The learned counsel submits that petitioner tried to gather further information by applying under Right to Information Act. It was informed to the petitioner on 3.3.2009 that petitioner was

appointed as a security guard in Irrigation Department under order dated 17.3.1997. The petitioner insisted for execution of the said order, however, to no avail. Till 26.11.2006, she was unaware of the order appointing her. As such delay is caused in filing Original Application seeking execution of the order dated 17.3.1997.

3. Learned Additional Government Pleader supports the order passed by the Tribunal.

4. It is not disputed that today the petitioner has even crossed the upper age limit for being considered for appointment on compassionate ground.

5. It has been observed by the Tribunal that at the time of passing the order, the petitioner was aged 49 years. Today the petitioner has crossed 55 years of age. It is also observed by the Tribunal that there is application dated 16.1.1996, by the petitioner addressed to the Executive Engineer, thereby

requesting that compassionate appointment may be given in favour of her daughter namely Anita then aged 20 years. The petitioner even threatened with hunger strike. Thereafter, no steps were taken up to the year 2010. Even the Tribunal passed the order in the year 2011, rejecting the application for condonation of delay and the present Writ Petition is filed after five years of rejection of application for condonation of delay by the Tribunal.

6. Even otherwise, the prayer for compassionate appointment after such a long slumber of 23 years can not be considered.

7. Considering above, the Writ Petition is dismissed. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

