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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12163 OF 2017

State of Maharashtra through
the Secretary & Anr. ...Petitioners
vs.
Smt.Sangeeta Rupsen Birajdar ...Respondent

Mr.N.K.Rajpurohit, AGP for the Petitioners
Mr.Tassawar Sagari for the respondent

CORAM : A.S.OKA, &
SANDEEP K. SHINDE, JJ.
DATE : NOVEMBER 29, 2018

P.C.:

1 By this petition under Article 226 of the Constitution of India filed by the petitioner-State of Maharashtra and the Superintending Engineer on 16th September 2017, the challenge is to the order dated 3rd August 2015 passed by the Maharashtra Administrative Tribunal. By the said order, the Tribunal directed that the respondent should be appointed in the employment on compassionate ground.

2 Paragraph 12 of the present petition reads thus:

"12 The petitioner state that impugned Judgment and order passed by the Ld. Tribunal on 3.8.2015. The petitioners applied for certified copy of the said order on 9.5.2016, the said copy was ready and delivered on 11.5.2016. The copy of the order was sent to

the superior authority for their approval and sanction to file present writ petition. After getting approval and sanction, the copy of the order along with all case papers were sent to the Office of the Government Pleader with instructions to prepare a draft writ petition. The officers of the Petitioner No.1 visited the Office of the Government Pleader, and given necessary instructions to the Assistant Government Pleader. Thereafter, the learned Assistant Government Pleader prepared a draft of writ petition as expeditiously as possible the draft of the petition is prepared and same has been finalized by the petitioner Authority and same was filed in the Court to avoid further delay. There is some delay in filing the present petition which is neither intentional nor deliberate and the delay is caused due to administrative reason. Hence, the delay caused in filing petition may be condoned in the interest of justice."

3 In the meanwhile, the respondent has been granted employment subject to final outcome of this petition. Even according to the learned AGP , paragraph 12 quoted above is the only explanation for delay. After the impugned order was passed on 3rd August 2015, even an application for getting certified copy thereof was belatedly filed on 9th May 2016. Within a period of two days, certified copy was received but there is hardly any explanation as

to why after obtaining certified copy on 11th May 2016, the petitioners waited till 16th September 2017 for filing this petition.

4 The opposition for grant employment on compassionate ground was not on the ground that the respondent was ineligible, but on the ground that her brother had applied earlier. Considering the gross unexplained delay, we reject the petition.

(SANDEEP K.SHINDE,J.)

(A.S.OKA,J.)