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

12 WRIT PETITION NO.3528 OF 2023

SATISH ATMARAM ADARKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr N. B. Jadhav, Advocate for Petitioner;
Mr S. G. Karlekar, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 3rd April, 2023

PER COURT:

1. The Petitioner's father died on 02/05/2003. He submitted an application for compassionate appointment on 03/06/2003. He is now 49 years of age. He is married and has children, who are taking education. The mother of the Petitioner was receiving family pension and the father was working as an 'Assistant Accounts Officer' in the Treasury office, Osmanabad and had put in qualifying service. He was Class-II (Non-gazetted) Officer.

2. The Petitioner had approached the Maharashtra Administrative Tribunal, by preferring Original Application No.192/2010, which was dismissed on 28/01/2011.

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3. 20 years have passed by after the Petitioner's father's death. 12 years have passed after the Tribunal dismissed his Original Application. The Petitioner, being married and having children, has been able to eke out life for the last 20 years. Family pension was being received until his mother passed away on 21/10/2022.

4. Considering the law laid down in **Fertilizers and Chemicals Travancore Ltd. and others Vs. Anusree K.B., AIR 2022 Supreme Court 4766** and **State of West Bengal vs. Debabrata Tiwari and others, 2023 SCC OnLine SC 219**, we find that compassionate appointment could not be granted to the Petitioner, who is almost 50 years of age and after 20 years of the demise of his father. Challenge to the order of the Tribunal after 12 years, without any explanation as regards the delay, cannot be entertained.

5. In view of the above, on the ground of delay and in view of **Fertilizers and Chemicals Travancore Ltd. (supra)** and **State of West Bengal Vs. Debabrata (supra)**, this petition is dismissed.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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