

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11666 OF 2024

Rahul Pralhad Sakhare

...Petitioner

Versus

Union Of India Through General Manager,
Central Railway And Ors.

...Respondents

Mr. Eknath Dhokale for the Petitioner.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 27th JANUARY 2025

P.C. :

1. We have heard learned counsel for the Petitioner and we have perused the documents on record. The order dated 25.08.2023 passed by the Central Administrative Tribunal, Mumbai refusing to condone delay in filing Original Application seeking grant of compassionate appointment, is under challenge.

2. The father of the Petitioner voluntary retired from service on 31.10.2002 and he started receiving pensionary benefits from 10.01.2003. The Petitioner's father however, expired in the year 2004. The first representation made by the Petitioner for seeking appointment on compassionate basis is dated 31.10.2012. On 03.04.2013, the claim of the Petitioner was turned down, which resulted in the Petitioner filing Original Application No. 427 of 2016 along with an application for condonation of delay. The said Application was dismissed in default by the Tribunal. Subsequently, the Petitioner sought restoration of the

Original Application. After restoration, the proceedings were permitted to be withdrawn by the order dated 31.10.2018 with liberty to file a fresh Original Application giving better particulars within a period of four weeks. The Petitioner, however, filed the subsequent Original Application only on 10.08.2021. The Tribunal found that no sufficient cause for the delay in approaching the Tribunal was made out. Hence, it dismissed the Original Application on 25.08.2023.

3. We find from the Service Certificate dated 31.10.2002 that it merely states that the Petitioner had voluntarily retired from service and not on medical grounds. Though, leave was granted to the Petitioner to file fresh proceedings within a period of four weeks from 31.10.2018, the Original Application was filed after almost three years. The Petitioner seeks relief of appointment on compassionate basis. We find that considerable period has lapsed since the year 2004 when his father expired especially in the backdrop of the fact that the initial Original Application was filed after making a representation on 31.10.2012. For the aforesaid reasons, we do not find that the Central Administrative Tribunal, Mumbai committed any error in refusing to condone the delay. There is no reason to interfere with the said order.

4. Hence, the Writ Petition is dismissed with no order as to costs.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)