

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH**

**MISC APPLICATION NO 162 OF 2020**

**IN**

**ORIGINAL APPLICATION NO 258 OF 2020**

**DISTRICT : THANE**

Ms Chaitali Ashokrao Rane, )  
Occ-Nil, R/o: Room no. 504, 5<sup>th</sup> floor, )  
Royce Galaxy, Dr A.B Bhuvan Society, )  
Gandhari, Kalyan [W], Dist-Thane. )...**Applicant**

**Versus**

1. The District Collector, )  
Mumbai Suburban District, )  
Having office at Administrative Bldg,)  
10<sup>th</sup> floor, Near Chetna College, )  
Government Colony, Bandra [E], )  
Mumbai 400 051. )  
2. The Sub Divisional Officer, )  
Mumbai West Suburban, )  
Having office at Administrative Bldg,)  
10<sup>th</sup> floor, Near Chetna College, )  
Government Colony, Bandra [E], )  
Mumbai 400 051. )  
3. The Sub Divisional Officer, )  
Mumbai East Suburban, )  
Having office at Administrative Bldg,)  
10<sup>th</sup> floor, Near Chetna College, )  
Government Colony, Bandra [E], )  
Mumbai 400 051. )...**Respondents**

Shri B.A Bandiwadekar, learned advocate for the Applicant.

Smt K.S Gaikwad, learned Presenting Officer for the Respondents.

**CORAM** : **Justice Mridula Bhatkar (Chairperson)**  
**Mrs Medha Gadgil (Member) (A)**

**DATE** : **21.04.2022**

**PER : Justice Mridula Bhatkar (Chairperson)**

**ORDER**

1. The applicant, who aspiring to be Talathi, appeared for the Examination in the year 2015, has filed the present Original Application for seeking direction that she be appointed on the post of Talathi as per the report submitted by Respondent no. 2, S.D.O, as the vacancy fell within one year from the date of result, i.e. 5.10.2015.

2. Learned counsel for the applicant has submitted that the applicant is at Serial No. 1 in the waiting list, which was prepared on 5.10.2015. It was supposed to lapse on 4.10.2016. As the post of post of Talathi fell vacant within one year from the date of declaration of the result, therefore, Respondent no. 2, S.D.O had submitted report to the Respondent no. 1, Collector, about the said vacancy in his establishment. However, the applicant was not aware of the said communication and the vacancy. The applicant had knowledge of this vacancy and therefore she filed representation on 5.4.2018. The representation was not considered. She waited for six months for reply to her representation. Learned counsel further submits that after 5.10.2019 till 5.10.2020 the applicant had time to file the Original Application. Learned counsel submits that in between the applicant has moved the Hon'ble Bombay High Court and filed Writ Petition No. 11548/20219 and by order dated 24.1.2020 the Hon'ble High Court directed the applicant to approach the Tribunal. Therefore, the applicant has filed the present O.A 258/2020 on 4.6.2020 along with Misc Application seeking condonation of delay. Learned counsel for the applicant submitted

that there is no delay and the applicant has a good cause on merits and therefore, the delay should be condoned.

3. Learned P.O has relied on the affidavit in reply dated 15.12.2021 filed by Shri Padmakar Rokade, Sub Divisional Officer, Mumbai Eastern Suburban Office, Mumbai, and opposed the Misc Application seeking condonation of delay.

4. We have considered the submissions made by the learned counsel for the applicant and so also the affidavit in reply. We are of the opinion that there is some delay on the part of the applicant. The reasons given by the applicant are not fully satisfactory. However, it show that the applicant has approached the Respondents by filing representation dated 5.4.2018 that her name should be recommended for the post of Talathi as the vacancy fell within one year from the date of result.

5. In view of the above, we allow the Misc Application seeking condonation of delay and impose cost of Rs. 2000/- on the applicant, which should be deposited in the Manodhairya Scheme, with the Women and Child Welfare Department, Government of Maharashtra on or before 30.4.2022.

**Sd/-**  
**(Medha Gadgil)**  
**Member (A)**

**Sd/-**  
**(Mridula Bhatkar, J.)**  
**Chairperson**

**Place : Mumbai**  
**Date : 21.04.2022**  
**Dictation taken by : A.K. Nair.**

