

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 440 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date :

**M.A. No. 147/2015 IN O.A. ST. No. 183/2015.
(Sub-Appointment)**

1. Shri Rahul S. Jikare,
R/o. Nagoba Balli, Bhoom, Tal. Bhoom, Dist. Osmanabad.

....**APPLICANT/S.**

VERSUS

- 1 The State of Maharashtra, Through The Secretary, Department of School Education, Mantralaya Mumbai-32. 2 The Commissioner of Agriculture, Agricultural Commissionerate, Central Bldg., Pune-1.
- 3 The Joint Divisional ^{Director} of Agriculture, Nashik Division, Nashik, Old Revenue Office Premises, Security Press Road, Nashik-412 101. 4 Varsha Ramesh Chaudhari, R/o. A/P. Kasare, Tal. Luka-Sakri, Dist. Dhule.

...**RESPONDENT/S**

Copy to : The C.P.O. M.A.T., Mumbai.

*The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the 29th day of **January, 2016** has made the following order:-*

APPEARANCE : Shri S.K. Hande, Advocate for the Applicant.
Shri A.J. Chougule, P.O. for the Respondents Nos. 1 to 3.
Shri K.R. Jagdale, Advocate for the Respondent No.4.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **29.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Malik
4/2/2016
**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20 _____

IN

Original Application No. _____ of 20 _____

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p><u>M.A.147/2015 in O.A.St.No.183/2015</u></p> <p>Heard Shri S.K. Hande, learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for the Respondents 1 to 3 and Shri K.R. Jagdale, learned Advocate for Respondent No.4.</p> <p>This MA is for condonation of delay which is about 23 days. The point is as to whether in the context of the facts, the delay needs to be condoned and my finding thereof in the affirmative for the following reasons.</p> <p>The cause assigned is of the difficulty in getting the documents under the provisions of Right to Information Act.</p> <p>The Applicant is vying for the post of Assistant Superintendent in Agriculture Department at Nashik Division, Nashik. The said post is presently held by the Respondent No.4.</p> <p>Although the learned P.O. and the learned Advocate for Respondent No.4 very strongly contest this MA, I am of the opinion that a very strict and mathematically perfect approach to count every days delay will not be the most appropriate way to decide this application. The Applicant is an employee at present in the office of</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
<p><u>DATE: 29/1/16</u></p> <p><u>CORAM:</u></p> <p>Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)</p> <p>Hon'ble Shri E. B. MALIK (Member)</p> <p><u>APPEARANCE:</u></p> <p>Shri. S.K. Hande Advocate for the Applicant</p> <p>Shri. Smt. A.J. Chougale A.O.P.G. for the Respondents No. 1193</p> <p>K.R. Jagdale P.A. R.No. 4</p> <p><u>Adm. Order processed in the Tribunal's collection.</u></p> <p>Reply filed by R.No. 4. in R.A. 147/15</p> <p>Reply filed by A.No. R-23. in OA S.No. 183/15</p> <p>M.A. as Allowed.</p> <p>O.A. Adj. + O. 29/2/16.</p> <p><i>(Signature)</i></p>	<p>Collector, Osmanabad and he is working as Awal Karkoon. It may not appear to be that difficult for a lay person uninitiated to the hard realities of life, but it is indeed sometimes difficult to get the documents even as the provisions of RTI Act may have made important openings in that behalf. Therefore, there being no evidence of contumacious conduct in so far as the Applicant is concerned, I am so disposed as to follow the normal rule of contest rather than sacrificing the cause of justice at the altar of procedure, more particularly, because even the Respondents will get an opportunity to join issues with the Applicant on merit and if that be so, and if the delay is not considerable, then even the Respondents cannot be heard to claim some inherent right to get the matter disposed of unheard. The MA is therefore allowed. The delay is condoned. The Applicant and the Office of this Tribunal are directed to now process the matter further and in the absence of any other office objection, the OA may be registered and placed before the appropriate Bench for being dealt with in accordance with law. No order as to costs.</p> <p style="text-align: right;">sd/- <i>(Signature)</i></p> <p style="text-align: right;">(R.B. Malik) Member (J) 29.01.2016</p> <p>(skw)</p> <p style="text-align: right;">TRUE COPY <i>(Signature)</i> 4/2/2016</p> <p style="text-align: right;">Asst. Registrar / Research Officers Maharashtra Administrative Tribunal Mumbai</p>