Thakur

[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 1080 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 28 MAR 2016

M.A. No. 22/2014 IN O.A. No. 39/2014.
(Sub :- Appointment/G.R. dt. 01/08/03)

1 Ms. Nilawati K. Sale & 03 Ors.,
C/o. Shri Manoj G. Sawardekar, Advocate for the Applicants.
Add. O/at. 16, 2nd Floor, Bell Bldg., Near Bombay Store, Sir P.M. Road,
Fort, Mumbai-01.

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

VERSUS

1 The State Of Maharashtra, Through Principal Secretary (Service), G.A.D., Mantralaya, Mumbai.

2 The District Collector, Sangli and Chairman, District Selection Committee, Collectorate Office, Rajwada Chowk, Sangli.

...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 **18th** day of **March , 2016** has made the following order:-

APPEARANCE : Shri Manoj G. Sawardekar, Advocate for the Applicants.
Ms. N. G. Gohad, P.O. for the Respondents.

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

DATE : **18.03.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

Amrut 23.3.2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

(G.C.P.) J 2260 (A) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

Original Application No. of 20 DISTRICT

..... Applicant/s

(Advocate .....)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

~~M.A. No.22 of 2014 in O.A. No.39 of 2014~~

Heard Shri Manoj G. Sawardekar, learned Advocate for the Applicants and Miss Neelima Gohad, learned Presenting Officer for the Respondents.

2. This is an application for condonation of delay in bringing the OA. The applicants are what can be described as temporary employees called in the common parlance "अंश:कालीन कर्मचारी". An advertisement for the post in the cadre of Talathi came to be published. The applicants ultimately having been aggrieved thereby and on account of an advice given to them at Sangli instituted Regular Civil Suit No.107 of 2010 (Yallubai Ramchandra Jhanvekar & 10 Ors. Versus State of Maharashtra). By order dated 25.6.2012 the Ld. Civil Judge, Senior Division, Sangli ordered return of plaint for proper presentation and thereafter on 9.1.2014 the present OA was lodged in the office of this Tribunal. There is a delay of about 7 months or so.

3. The respondents have by affidavit in reply contested this MA. I have heard the rival submissions. The fact that the applicants are drawn from a vulnerable strata of the society is quite clear without meaning any disrespect at all to their advisor the fact that they went to the Civil Court even for a service dispute has its own tale to tell. They have in their own way attributed their plight to the time consumed in arranging for the funds etc. nothing to

[P.T.O.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

doubt the truism of their stand. Although Miss Gohad, Ld. PO strongly opposed this MA in my opinion aware as I am of the legal position obtaining as a result of perusal of a large number of binding judgments in this field it will be at the expense of justice that such an application would be dismissed. As a matter of fact the Sangli based applicants earlier also suffered dismissal of their MAs which aspect of the matter was duly addressed by this Tribunal by restoring them. I am, therefore, so disposed as to uphold this MA. The delay is condoned. The MA is allowed. The applicants and the office of this Tribunal may now proceed the matter further so as to bring this matter for hearing before appropriate bench. No order as to costs.

sd/-
(R.B. Malik) 18.3.16
Member (J)
18.3.2016

(sgj)

TRUE COPY
23.3.16
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai

D[redacted]: 18/3/16
CORAM:
~~Hon'ble Shri. RAJIV AGARWAL (Vice-Chairman)~~
Hon'ble Shri R. B. MALIK (Member) J
APPEARANCE:
Shri/Smt.: M.G. Seervarden
Advocate for the Applicant
~~Shri/Smt.~~: M.G. Gohad
~~G.P.O./~~P.O. for the Respondents
~~Adj to~~ M.A. is allowed
O.A. Place before
appropriate bench
as per order.