

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/2730 /2016  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date :

30 JUL 2016

**M.A. No. 75/2016 IN O.A. No. 172/2016.**

**(Sub :- Selection Process)**

- 1 Dattaji S. Katke,  
R/o. Gautam Nagar, Omerga, Tq. Omerga, Dist. Osmanabad.

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

**VERSUS**

- 1 The State of Maharashtra, Through  
Principal Secretary, Public Health  
Dept., Mantralaya, 10<sup>th</sup> Floor, B Wing  
G.T. Hospital Complex, Mumbai-01.
- 2 The Director of Helth Services,  
Directorate of Health Services, Arogya  
Bhawan, St. George's Hospital  
Compound, P.D'Mello Rd.  
Near C.S.T., Railway Stationn Fort,  
Mumbai-01.
- 3 The Joint Director of Health Services  
(Malaria Filaria Waterborne Diseases),  
New Central Bldg., Arogya Bhavan,  
Opp. Vishrantwadi Police Staion,  
Yerwada, Pune-06.
- 4 The Deputy Director of Health  
Services, (Transport), 8, Kannedy  
Road, Naidu Hospital Compound,  
Pune-01.
- 5 The Managing Director & C.E.O.,  
Maharashtra Knowledge Corporation  
Ltd., Senapati Bapat Road, Shivaji  
Nagar, Pune-16.
- 6 Sanjay B. Bhosure, R/o. A/P.  
Dhanore, Tq. Shirur, Dist. Pune-8
- 7 Abhijeet A. Shende, R/o. Health  
Equipment Maintenance & Repair Unit,  
C/o. Deputy Director of Health  
Services, Nagpur Circle, Nagpur, Mata  
kacheri Compound, Shraddhannand  
Peth, Nagpur-22.

...**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 28<sup>th</sup> day of **July, 2016** has made the following order:-

APPEARANCE : Shri M.B. Kolpe, Advocate for the Applicant.  
Shri A.J. Chougule, P.O. for the Respondents Nos. 1 to 4.  
Shri G.A. Bandiwadekar, Advocate for the Respondent No.7.  
None is present for the Respondent No. 5 & 6.

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

DATE : **28.07.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

*Amal*  
30/7/2016  
**Research Officer,**

**Maharashtra Administrative Tribunal,  
Mumbai.**

# 12

**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.75/2016 in O.A.172/2016**

**Shri D.S. Katke ... Applicant**

**Vs.**

**The State of Mah. & ors. ..Respondents**

This is an application for condonation of delay.

I have perused the record and heard Shri Shrikant Patil holding for Shri M.B. Kolpe, the learned Advocate for the Applicant, Shri A.J. Chougule, the learned Presenting Officer for the Respondents 1 to 4, and Shri G.A. Bandiwadekar, the learned Advocate for Respondent No.7. None is present for Respondents 5 & 6.

The point is as to whether on the anvil of sufficiency of cause, this MA survives and my finding thereon is in the affirmative for the following reasons.

**Reasons :** The post for which the Applicant has been vying is that of Technician. He came to know, going by the recitals of his MA that the 7<sup>th</sup> Respondent had been appointed on 6<sup>th</sup> December, 2014, and thereafter, in as much as he should have been armed with facts to make out a good case in the OA, he took recourse to the information under the Right to Information Act. The material was collected and the matter was brought before this Tribunal. But in view of the delay, the present application was moved. The delay is according to the Applicant, 68 days while according to the contesting Respondents, it is delayed by ages. Now, in my opinion, if a case is made out for condonation of delay, this is not the matter where the quantum of the delay should be an inhibiting factor. Though Mr. Chougule, the learned P.O. for the Respondents 1 to 4 and Shri Bandiwadekar, the learned Advocate for the Respondent No.7 assailed the Applicant for indolence, I find from Annexure 'P-

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

Tribunal's orders

1' (Page 6 of the paper book) which is a reply from Respondent No.5 that the Applicant had moved under the RTI on 10<sup>th</sup> December, 2014 itself. That aspect of the matter will have to be studied in the context of the fact that whatever be the quantum, the delay is not so exorbitant as to reflect a State which could be called contumacious and negligent sleeping over the right. At the end of the day, the harp has to be on serving the cause of justice rather than sacrificing a good cause on the altar of procedure. Now, some negligence has to be there without which the delay would not be caused but the delay itself cannot be cited as a cause for not condoning it. When the issue is as to whether a case for condonation is constituted, I hold that the delay herein needs to be condoned.

The MA is allowed. The delay is condoned. The Office and the Applicant are directed to process the OA in order to get it placed before the Bench for further progress in the matter. NO order as to costs.

DATE: 28/7/16

CORAM

Chairman  
Hon'ble Shri R.B. Malik + J

APPEARANCE

Shri M.B. Kolpe

Advocate for the Applicant

Shri K.S. Gaikwad 1704.  
C.P.O / E.O. for the Respondent

Name for R.No.5.

Adj. To Adv. A.V. Bardiwadekar

for R.No.7.

order passed in Tribunal's order column.

MA is allowed.

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E

sd/-  
28 7-16  
(R.B. Malik)  
Member (J)  
28.07.2016

(skw)

TRUE COPY

Amal  
30/7/2016  
Asstt. Registrar/Research Officer  
Maharashtra Administrative Tribunal  
Mumbai.