

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO.402/2021 IN O.A.ST.NO.1631/2021**

**DISTRICT:- DHULE**

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Prakash s/o. Hiralal Bhamare,  
Age : 69 years, Occ. Nil,  
R/o. 20-B, Jogai Telephone Colony,  
Deopur, Dhule, Tq. & Dist. Dhule.

**...APPLICANT**

**V E R S U S**

1. The State of Maharashtra,  
Through Secretary, Co-operation, Textile  
and Marketing, Mantralaya, Mumbai-32.
2. The Commissioner/Registrar,  
Co-operative Societies, Pune, At Pune.
3. The Inquiry Officer,  
Shri Govind Shankar Jadhav,  
Retired Superintending Engineer, Dhule,  
Plot No.14, Sant Gadge Baba Colony,  
Deopur, Dhule, Tq. & Dist. Dhule. ... **RESPONDENTS**

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APPEARANCE : Shri P.S.Gaikwad, Advocate for  
Applicant.  
: Shri N.U.Yadav, Presenting Officer  
for respondents.

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**CORAM : SHRI V.D.DONGRE, MEMBER (J)**  
**AND**  
**SHRI BIJAY KUMAR, MEMBER (A)**

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**Reserved on : 03-01-2023**  
**Pronounced on : 03-02-2023**

**O R D E R**  
**[PER: SHRI V.D.DONGRE, MEMBER (J)]**

1. Heard Shri P.S.Gaikwad learned Advocate for the  
Applicant and Shri N.U.Yadav learned Presenting Officer for  
the respondents.

2. This application is made seeking condonation of delay of 10 years and 169 days for filing O.A. u/s.19 of the Administrative Tribunals Act, 1985 and challenging the order of termination of the applicant dated 14-06-2011 and subsequent orders of higher forum confirming the order of termination.

3. The applicant was initially appointed as Junior Clerk in the Co-operative Department on 20-03-1974. In the year 1993, he was promoted to the post of Assistant Registrar, Co-operative Societies at Chopda. In the year 1994, the applicant filed some complaint to the higher officials i.e. then District Deputy Registrar and the Divisional Joint Registrar, Nashik regarding the misdeeds committed by the concerned persons. The applicant was due for retirement on attaining age of superannuation on 30-06-2011. However, just before that, the respondent no.1 passed the impugned termination order dated 14-06-2011 (Annexure A-10 in O.A.). The applicant preferred departmental appeal against the said termination order in time which was decided by the Hon'ble Revenue Minister by order dated 21-11-2017 (Annexure A-12 in O.A.) confirming the order of termination. Thereafter, some time was consumed in

collecting documents for challenging the said order further before the Hon'ble Governor by way of review petition under Rule 25-A of the Maharashtra Civil Services (Discipline & Appeal), 1979. Said review petition was dismissed by further impugned order dated 26-08-2021 (Annexure A-13 in O.A.). In such circumstances, the O.A. challenging all these three orders is within time.

4. Alternatively, it is contended that after decision of the Hon'ble Revenue Minister some time was consumed in collecting documents under the Right to Information Act. Said documents show that there is error apparent on the face of record while passing the order dated 26-08-2021 by Hon'ble Revenue Minister. In the circumstances, there is no deliberate delay. The applicant has a case on merits. Hence, this application.

5. Affidavit in reply is filed on behalf of the respondent nos.1 and 2 thereby denying the adverse contention raised in the application and contending that no sufficient cause is shown by the applicant for condonation of delay.

6. We have heard arguments advanced on behalf of the applicant on one hand and by the learned P.O. for respondents on the other hand. Perusal of record shows

that the applicant basically wants to challenge the impugned order of his termination dated 14-06-2011 (Annexure A-10 in O.A.) issued by respondent no.1 as well as the subsequent orders dated 21-11-2017 (Annexure A-12 in O.A.) and order dated 26-08-2021 (Annexure A-13 in O.A.) passed by Hon'ble Revenue Minister and the Hon'ble Governor which confirmed the order of termination.

7. It seems that the review petition which is decided by order dated 26-08-2021, there was some delay in filing review against the order of Revenue Minister dated 21-11-2017 as the review was filed somewhere in 2019. The applicant is facing the order of termination from the services. In view of the same, refusing to condone the delay is likely to defeat the cause of justice at the threshold. It is settled principle of law that expression 'sufficient cause' is to be construed liberally considering the order of termination faced by the applicant. In our considered opinion, it is a fit case to condone the delay by taking liberal approach and by imposing some moderate costs. We compute the costs @ Rs.1000/-. Hence, the following order:

**ORDER**

[i] M.A. is allowed.

[ii] Delay caused in filing the accompanying O.A. is condoned subject to payment of costs of Rs.1000/- by the applicant with the Registry of this Tribunal within a period of one month from the date of this order.

[iii] Upon satisfaction of payment of costs, office to register and number the O.A. in accordance with law after removal of office objections, if any.

[iv] There shall be no order as to costs.

**(BIJAY KUMAR)**  
**MEMBER (A)**

**(V.D.DONGRE)**  
**MEMBER (J)**

**Place : Aurangabad**  
**Date : 03-02-2023.**