

Thakur

[Sp1/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 474 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : - 8 FEB 2016

**M.A. No. 108/2013 IN O.A. No. 177/2013.
(Sub- Seniority)**

- 1 Smt. Sushma S. Nalawade,
R/o. Sahakar Sadan No.1, R. No. 102, Ground Floor, Chinchpokli,
Mumbai-12.

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

VERSUS

- 1 The State of Maharashtra, Through Secretary, Home Department,
Mantralaya, Mumbai-32. 2 The President, Motor Accident
Claims Tribunal, Mumbai.

.....**RESPONDENT/S**

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


*The applicant/s abovenamed 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.S. Dere, Advocate for the Applicant.
Ms. N.G. Gohad, P.O. holding for Shri N.K. Rajpurohit,
C.P.O. for the Respondents.

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

DATE : **29.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.


**Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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

I N

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 align="center"><u>M.A.108/2013 in O.A.177/2013</u></p> <p>Heard Shri S.S. Dere, learned Advocate for the Applicant and Ms. N.G. Gohad holding for N.K. Rajpurohit, the learned Chief Presenting Officer for the Respondents.</p> <p>This MA apparently seeks condonation of delay, but the main stay of the Applicant's case is that there is no delay.</p> <p>The main dispute relates to seniority between the Applicant and another lady who has been shown ahead of her. It is not necessary for us in this MA to consider the merit of the OA. Although the learned P.O. who very stoutly opposed the application pointed out that or at least tried to point out that the Applicant was made known the stand of the Respondents vis-à-vis the issue of seniority, but as rightly pointed out by Mr. Dere, the learned Advocate the first real and tangible piece of material which in the context could be called evidence is dated 6.4.2011. That is a communication from the Registrar of Respondent No.2 to the Government in Home Department. A copy thereof having been endorsed to the Applicant, that for the first time gives an inkling of what transpired in the meeting in so far as the issue of seniority is concerned. Going thereby, the matter was placed before the DPC on</p>

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

Tribunal's orders

5.2.2011 and the Applicant apparently was informed thereabout only after 6.4.2011. From the very nature of things, I think there is some substance in Mr. Dere's submission that there may have been delay in the matter of getting the DPC convened. The question as to what is the starting point of limitation in matters such as seniority has to be studied in the context of the traditional principle of accrual of cause of action and taking all these aspects in the consideration, I am clearly of the view that this is not a matter that should be sacrificed at the altar of procedure and even if, there was delay, it was by no means inordinate and going by the elementary tenets emanating from a large number of binding judicial pronouncements, the approach of the judicial forum has to be liberal rather than rigid.

The MA is therefore allowed. The issue of delay is no undoing of the Applicant. The Applicant and the Office of this Tribunal shall now process the matter and in the absence of any other office objection, get the OA listed before the appropriate Bench. No order as to costs.

DATE: 29/1/16

CORAM:

Hon'ble Smt. RAJNAGARWAL ---
(Vice-Chairman) ---

Hon'ble Sr. J. B. MALIK (Member) J ---

APPEARANCE:

Shri/Smt. S. S. Dere

Advocate for the Applicant: N. G. Gohad

Shri/Smt. N. K. Rajgopal

CRJ/Attor. for the Respondents

was des. present in

the Tribunal's

Adj. R. ---

order. ---

Costs Allowed.

(skw)

29-1-16
(R. B. Malik)
Member (J)
29.01.2016

TRUE COPY

Asst. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai