

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH**

NO.MAT/MUM/JUD/2209/2017.  
Maharashtra Administrative Tribunal  
Pay & Accounts Barrack Nos.3 & 4,  
Free Press Journal Marg,  
Nariman Point, Mumbai 400 021.

Date : 15.06.2017

**M.A. NO. 55 OF 2017 IN O.A. NO. 88 OF 2017.**  
**(Sub :- Delay)**

- 1 Shri. Sunita Suryakant Dhobale,  
R/o. Shree Shakti Colony, Chawl No.2, Room No.13, Near Birla College,  
Kalyan(W)-421 301.

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

**VERSUS**

- 1 The State of Maharashtra, Through  
The Secretary, Food and Civil  
Supply, Mantralaya,  
Mumbai 400032.
- 2 The Controller of Rationing And  
Directorate of Civil Supply, Royal  
Insurance Bldg, 5<sup>th</sup> floor, 14, J. Tata  
Road, Churchgate, Mumbai-400020.

...**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 13<sup>th</sup> day of **June, 2017** has made the following order:-*

APPEARANCE : **Shri. R.M. Kolge, Advocate for the Applicant.**  
**Mrs. A.B. Kololgi, P.O. for the Respondents.**

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

DATE : **13.06.2017.**

ORDER : **Order Copy Enclosed / Order Copy Over Leaf.**

*Research Officer*  
**Research Officer**  
**Maharashtra Administrative Tribunal,**  
**Mumbai. 15.6.17**

**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

M.A.55/2017 in O.A.88/2017

**Mr. S.S. Dhobale ... Applicant**  
**Vs.**  
**The State of Mah. & Ors. ... Respondents**

Heard Mr. R.M. Kolge, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer for the Respondents.

By this MA, the Applicant seeks condonation of delay. The order impugned is dated 28.7.2014 thereby two increments were stopped permanently. The learned PO emphasizes the fact that granting all latitude to the Applicant, the time would begin to run from that date, and therefore, there is a delay.

Hearing the rival submissions, in my view, the application for condonation of delay cannot be defeated only by pointing out the delay itself. The issue as to whether the case for condonation is made out. In my view, Mr. Kolge rightly relied upon the Judgments in the matter of Union of India Vs. Tarsem Singh : (2008) 8 SCC 648 and Yog Raj Mittal Vs. State of Punjab : 2008 (4) SLR 169 (Punjab and Haryana). It is an incidence of continuing cause of action in so far as the nature of punishment is concerned because the pinch will be ~~failed~~ *felt* every month. In the first place, therefore, there does not appear to be the hitch of limitation, but even if it is held for the sake of argument that it was so, in my view, the delay will have to be condoned in the interest of justice. The delay is accordingly condoned. The Office and the Applicant are directed to process the OA and ~~get~~ *get* it placed before the appropriate Bench for decision according to law. The MA is allowed in these terms with no order as to costs.

DATE: 18/6/17

CORAM:

~~Hon'ble Shri. RAJIV AGARWAL~~  
(Vice Chairman)

Hon'ble Shri R. B. MALIK (Member) ✓

APPEARANCE:

Shri ~~\_\_\_\_\_~~ *A.M. Kolge*

Advocate for the Applicant:

Shri/Smt. *A.B. Kololgi*  
C.P.O./P.O. for the Respondents

Adj. To:

*M.A. is allowed.  
Office and the applicant  
are directed to process  
the OA.*

*[Signature]*

(skw)

*sd/-*  
(R.B. Malik) 13.6.17  
Member (J)  
13.06.2017

TRUE COPY

*[Signature]*

Secretary Office  
Maharashtra Administrative Tribunal

15-6-17