

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
MISC APPLICATION NO.587 OF 2021
IN
ORIGINAL APPLICATION NO.1035 OF 2021
WITH
ORIGINAL APPLICATION NO.1035 OF 2021

DISTRICT : MUMBAI

Mr. Kamlesh Shankar Gaikwad,)
Age : 54 years, Occ : Service,)
Working as Asstt. (Standard / Planning)
With R-3, R/o. B-302/6, Govt. Colony,)
New English School, Bandra (East),)
Mumbai 400 051.)

...Applicant

Versus

1. The State of Maharashtra)
Through the Secretary,)
Industries, Energy and Labour)
Department, Mantralaya,)
Mumbai 400 032.)
2. The Director, The Directorate of)
Printing, Stationary And Publication,))
Govt. of Maharashtra, Charni)
Road, Mumbai 400 004)
3. The Manager, Govt. Central Printing)
Charni Road, Mumbai 400 004)
4. Mr. D.R. Dharankar,)
5. Mr. N.G. Parab)
6. Mr. D.B. Avad)
7. Smt. V.S. Lingayat)

8. Mr. Y.P. Tayde)
8A. Nandkumar Gajanan Chowdhari)
Asst. (Standard / Planning))
Govt. Central Printing Press, Charni Road,)
Mumbai 400 004) **...Respondents**

Shri C.T. Chandratre, learned advocate for the Applicant.

Ms Swati Manchekar, learned Chief Presenting Officer for the Respondents.

**CORAM : Justice Ms. Mridula Bhatkar, Chairperson
Ms. Medha Gadgil (Member) (A)**

DATE : 14.02.2022.

PER : Ms. Medha Gadgil (Member) (A)

J U D G M E N T

1. The present Miscellaneous Application is filed by the applicant seeking condonation of delay of nearly 5 years and 7 months. He prays that the period of one year can be deducted under Section 21 of the Administrative Tribunals Act 1985.

2. The applicant has filed Original Application No.1035/2021 challenging the seniority list for the post of Assistant Supervisor (Standard / Planning) on 26.10.2016. However, this O.A. was filed on 14.12.2021. Hence there is a delay of 5 years and 7 months.

3. The learned Advocate for the Applicant further points out that the Applicant made number of representations to Respondent No.3. On 06.06.2016 he made first representation pointing out the provision of law and error in publishing the seniority list and further gave reminders on 09.01.2017, 05.04.2017 and 20.09.2017.

4. We considered that there is an unreasonable delay in this case. Simply making representation to higher authority does not extend the period of limitation.

5. The learned Advocate further submitted that his next junior was promoted on 26.10.2021 after which he immediately approached this Tribunal on 14.12.2021. Looking into the material facts of the case we feel that number of representations is not sufficient for extending limitation and also cause of applicant was crystalized on 26.05.2016 when the seniority list was published.

6. Considering these facts, we are unable to condone the unreasonable delay of 4 years and 7 months. Though concession of one year is given in view of the order of the Hon'ble Supreme Court M.A 665/2021 in Suo Motu W.P (Civil) No.3/2020 wherein the period of limitation was further extended. The act of filing of representations after representations for any claim does not extend the limitation, as limitation is to be counted within a stipulated period of one year from the cause of action.

7. We do not find any merit in the Misc Application seeking condonation of delay in filing the present Original Application.

8. In view of the above, Misc Application is dismissed. As the Misc Application seeking condonation of delay is dismissed, the Original Application also stands dismissed.

SD/-

(Medha Gadgil)
Member (A)

prk

SD/-

(Mridula Bhatkar, J.)
Chairperson