

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**M.A.NO. 539/2015 IN O.A.ST.NO. 1019/2015  
(Shri Sunil S. Sonwane Vs. The State of Maha. and Ors.)**

**CORAM : Hon'ble Shri Rajiv Agarwal, Vice Chairman (A)  
AND  
: Hon'ble Shri B.P. Patil, Member (J)**

**DATE : 4<sup>TH</sup> AUGUST, 2017.**

**O R D E R :**

**[Per : Hon'ble Shri B.P. Patil, Member (J)]**

1. In the present Miscellaneous Application, the applicant has prayed to condone the delay of about 3152 days' caused in filing the accompanying Original Application St. 1019/2015.

2. It is contention of the applicant that he was orally appointed by the respondent No. 3 prior to 14.6.2006. He rendered service on the post of Computer Operator / Typist for more than one year. Thereafter, he was orally terminated on 18.9.2006 without any notice and reason. It is his contention that the respondent No. 2 had issued experience certificate to that effect on 18.9.2006. The applicant made representation with the respondents for giving him appointment on the said post by filing applications dated 15.11.2006, 12.12.2009, 15.03.2010, 15.03.2010, 18.01.2010, 19.04.2010, but his applications had not been considered by the respondents. Thereafter, he made representation dated 22.02.2014 with the respondent No. 3. By communication dated 20.1.2015, it was informed that he was not appointed on daily wages and he was appointed through one agency i.e. "Sunil Typing & Computer Center" for doing work on computer in the office for the period of one year. Therefor he cannot be accommodated on the post of

Junior Clerk or Stenographer. Therefore, he approached the Hon'ble Bombay High Court Bench at Aurangabad by filing W.P. No. 6419/2015 on 8.5.2015. The said Writ Petition was disposed of on 29.6.2015 with liberty to the applicant to approach this Tribunal. Accordingly, he filed O.A. on 17.7.2015 praying to quash and set aside the termination order and to appoint him on the post. There is delay of about 3152 days' in filing the accompanying Original Application. In view of the above said reasons, he prayed to condone the delay caused in filing the accompanying O.A.

3. The respondents have filed affidavit in reply and resisted the application. They have denied that the applicant worked on daily wages with them. They have denied that the applicant has been terminated by oral order. It is their contention that the applicant worked through one agency i.e. "Sunil Typing & Computer Center" with them. He demanded the experience certificate from the respondents. Therefore, the respondents issued the experience certificate accordingly in favour of the applicant. He never worked with the respondents on any post. Therefore, no question of accommodating him in the Government service arises. They have denied that the applicant made several representations for accommodating him on the post by withdrawing oral termination order. It is their contention that on 22.12.2014 the applicant made presentation with them, and the respondents had informed him on 20.01.2015 that he was not appointed on daily wages and, therefore, he cannot be entitled to accommodate on the post of Junior Clerk/ Stenographer. It is their contention that the applicant has not explained the delay caused in filing the accompanying O.A. by giving satisfactory reasons. There is an inordinate delay in filing the

O.A. In the absence of sufficient and proper explanation the delay cannot be condoned. Therefore, they prayed to reject the present Miscellaneous Application, filed for condonation of delay of about 3152 days caused in filing accompanying O.A.

4. Shri P.V. Balkhande – learned Advocate for the applicant remained absent at the time of hearing of the application.

5. We have heard Smt. Sanjivani Deshmukh – Ghate – learned Presenting Officer for the respondents. We have perused the affidavit in reply filed by the respondent Nos. 1 to 3. We have also perused the documents placed on record by both the parties.

6. Learned Presenting Officer has submitted that the delay of about 3152 days has been caused in filing the accompanying O.A. He has submitted that the delay is inordinate and it has not been explained properly by the applicant. Therefore, she prayed to reject the present Miscellaneous Application.

7. There is a delay of 3152 days in filing the accompanying O.A. Though there is inordinate delay, not a single ground has been mentioned in the application by the applicant as to why he had not approached the Tribunal in time. In order to condone the delay, the applicant has to explain each and every days' delay by giving satisfactory reason, but not a single ground or explanation is given by the applicant to condone the inordinate delay caused in filing the accompanying O.A. The delay appears to be intentional, deliberate and willful, and therefore, considering the said fact in our view the delay cannot be condoned as there is no

sufficient reason to condone it. Therefore, the present M.A. deserves to be rejected.

8. On perusal of the documents placed on record, it reveals that the applicant is claiming that he was appointed in the office of respondent No. 3 orally, prior to 14.6.2006. He worked there up to 17.09.2006 and he has been terminated w.e.f. 18.9.2006 orally. The applicant has produced the experience certificate issued by the respondent No. 3, which is at Annexure "R-1" page-11 of paper book of M.A.). On perusal of the same it reveals that it has issued by respondent No. 2 and it shows that he worked with the respondent No. 2 through one agency i.e. "Sunil Typing & Computer Center", and therefore, the respondent NO. 2 issued experience certificate of working in his office on Computer. It does not disclose that he has been appointed on any post. It also does not disclose that on which date the applicant has been terminated. Even, considering the said documents, on merit also the applicant has no case. Therefore on that ground also the present Miscellaneous Application cannot be allowed, as there is no merit in the accompanying O.A. itself.

9. The applicant has not explained inordinate delay caused in filing the accompanying O.A. The delay amounts to be intentional, deliberate and willful. Moreover, there is no merit in the O.A. itself. In these circumstances, in our view the M.A. deserves to be dismissed.

10. In view of the above position, the application for condonation of delay stands dismissed. Consequently, the registration of accompanying Original Application stands refused.

There shall be no order as to costs.