

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AUR**

**M.A.NO.302 OF 2020 IN O.A.ST.NO.968 OF 2020
(Subject:- Condonation of Delay)**

DISTRICT:-OSMANABAD

Raosaheb S/o Shivram Kshirsagar,)
Aged Major Occu., Pensioner,)
R/o. Ramkrishna Colony, Umrekota,)
Osmanabad, Dist. Osmanabad.)...**Applicant**

V E R S U S

- 1. The State of Maharashtra,**)
Through the Secretary,)
In the Department of Social Welfare,)
Mantralaya, Maharashtra State,)
Mumbai-32.)
- 2. The Director,**)
Social Welfare Department,)
Central Building, Maharashtra State,)
Pune.)
- 3. The Divisional Commissioner,**)
Social Welfare Department,)
Aurangabad.)
- 4. The Divisional Social Welfare Officer,**)
Aurangabad Division, Aurangabad.)
- 5. The Assistant Commissioner,**)
Social Welfare, Beed.)
- 6. The Special District Social Welfare**)
Officer, Beed/Osmanabad.)...**Respondents**

APPEARANCE : Shri N.J. Patil, learned Advocate for the Applicant.

: Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

CORAM : **SHRI V.D. DONGRE, MEMBER (J)**

DATE : **31.03.2022.**

O R D E R

By this Misc. Application, the applicant is seeking condonation of delay of about 280 days in filing the Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking to challenge the order dated 14.12.2018 passed by the respondent No.5 granting only 50% back wages and seeking to modify the said order.

2. This is the third round of litigation filed by the applicant. It is case of the applicant that since the date of suspension i.e. from 2001 to 2016 he was out of service. Initially he filed Original Application No.140/2015 seeking reinstatement. As per order of this Tribunal dated 28.04.2016, the termination order of the applicant was set aside and he was reinstated in service with back wages as per Rules, if any. The respondents denied the claim of back wages, salary and salary during suspension and dismissed by order dated 07.10.2017. The applicant challenged that order by filing the Original Application No.168/2018. By order dated 22.10.2018, the said Original Application was

allowed. Thereby order dated 07.10.2017 was quashed and set aside and the respondent No.5 was directed to decide the claim of the applicant regarding back wages and other monetary benefits during suspension period and from the date of termination he was reinstated in service as claimed by the applicant as per provisions of Rule 70 of the Maharashtra Civil Services (Joining time, Foreign Services and Payments During Suspension, Dismissal and Removal) Rules, 1981.

3. Thereafter, the respondents by order dated 14.12.2018 granted only 50% back wages for termination period of the applicant. The applicant seeks to challenge the said order dated 14.12.2018 in the present Original Application filed along with this delay condonation application.

4. It is stated that there is delay of about 280 days in filing the Original Application. The delay is not deliberate. The applicant has not got pensionary benefits in accordance with law. Hence this application.

5. Affidavit-in-reply is filed on behalf of the respondent Nos.2 to 6 by one Shri Sachin Shankarrao Madavi, Assistant Commissioner, Social Welfare Beed. Thereby he has denied the adverse contentions raised in the application and contended that

there is no merit in the claim of the applicant. No sufficient cause is shown by the applicant for condonation of delay. Hence, the application is liable to be dismissed.

6. I have heard the arguments advanced by Shri N.J. Patil, learned Advocate for the applicant on one hand the Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents on other hand.

7. The applicant seeks to challenge the impugned order dated 14.12.2018 passed by the respondent No.5 and further seeks modification in the said order. The present Original Application is filed along with this delay condonation application on 24.09.2020. Therefore, the delay is about 280 days.

8. Considering the claim of the applicant, it appears that the applicant is fighting for his dues after his reinstatement. In view of the same, there is debatable issue involved in the Original Application. No doubt some negligence can be attributed to the applicant in not approaching the Tribunal in time. However, the said negligence cannot be said to be intentional or gross one. Thereby the applicant had nothing to gain.

9. It is a settled principle of law that the expression "sufficient cause" is to be construed liberally. Refusing to condone the delay is likely to defect the cause of justice at the threshold.

10. In the circumstances as above, in my opinion, this is a fit case to condone the delay of 280 by imposing moderate costs upon the applicant. I compute the costs of Rs.1,000/- (Rs. One Thousand only) on the applicant and proceed to pass the following order: -

ORDER

The Misc. Application No. 302/2020 in O.A.St.No.968/2020 is allowed in following terms:-

- (i) The delay of 280 days in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned subject to payment of costs of Rs. 1,000/- (Rs. One Thousand only) by the applicant. The amount of costs shall be deposited in the Registry of this Tribunal within a period of one month from the date of this order.
- (ii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking in to account other office objection/s, if any.

(V.D. DONGRE)
MEMBER (J)

Place:- Aurangabad

Date :- 31.03.2022

SAS. M.A.302/2020 In O.A.St.968/2020