

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
NAGPUR BENCH, NAGPUR**

**CIVIL APPLICATION NO 233 OF 2017  
IN  
ORIGINAL APPLICATION NO 70 OF 2017**

**DISTRICT : BULDHANA**

Ku. Savita Rameshwar Adhao,            )  
Occ : Service, R/o: Behind Gajanan )  
Talkies, Ward no. 1, Buldhana,        )  
Dist-Buldhana.                                )...**Applicant**

**Versus**

1. The State of Maharashtra        )  
Through its Secretary,                )  
Finance Department,                 )  
[K.P-3], Mantralaya,                 )  
Mumbai 400 032.                     )
2. Director of Accounts &         )  
Treasury, Office of the                )  
Directorate of Accounts &         )  
Treasury, Finance Department) )  
New Govt. Complex no. 15 and) )  
16, Plot no. 176,                     )  
Free Press General Marg,             )  
Mumbai.                                 )

3. Joint Director, [Admn], )  
Office of the )  
Directorate of Accounts & )  
Treasury, Finance Department)  
New Govt. Complex no. 15 and)  
16, Plot no. 176, )  
Free Press General Marg, )  
Mumbai. )
4. Joint Director, )  
Accounts and Treasury, )  
Amravati Division, )  
University Road, Amravati-02. )
5. Treasury Officer, )  
Office of Treasury Office, )  
Buldhana, Dist-Buldhana. )...**Respondents**

Shri A.P Sadavarte, learned advocate for the Applicant.

Shri V.A Kulkarni, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal (Vice-Chairman) (A)**

**Shri J.D Kulkarni (Vice-Chairman) (J)**

**DATE : 07.07.2017**

**PER : Shri Rajiv Agarwal (Vice-Chairman)**

## **ORDER**

1. Heard Shri A.P Sadavarte, learned advocate for the Applicant and Shri V.A Kulkarni, learned Presenting Officer for the Respondents

2. This Original Application has been filed by the Applicant seeking condonation of delay of 414 days in filing the Original Application in which the Applicant had challenged the orders dated 4.10.2013 and 14.10.2013 passed by the Respondents no 4 & 5 respectively.

3. The Applicant was appointed as Accounts Clerk (Group-C) by order dated 21.12.2010 issued by the Respondent no. 4 temporarily. She was thereafter selected to the post of Junior Accountant by direct recruitment and given appointment to that post by order dated 26.3.2013 by the Respondent no. 4. She was on maternity leave from 2.3.2013 to 28.8.2013. She, therefore, could not join the post of Junior Accountant within 30 days from the date of appointment order dated 26.3.2013, as was stipulated in condition no. 16. The Applicant states that she applied to the Respondent no. 4 on 12.4.2013 that she may be allowed to join in the post of Junior Accountant after the period of her maternity leave was over. At that time, she was on maternity leave up to 2.6.2013. Later, she applied and her maternity

leave was extended up to 28.8.2013 and she submitted another representation to the Respondent no. 4 on 10.6.2013 to permit her to join as Junior Accountant after 28.8.2013. After expiry of leave, she reported for duty on 30.8.2013 in the office of Respondent no. 5, but was not allowed to join in the post of Junior Accountant.

4. Learned Counsel for the Applicant argued that Applicant made representation to the Respondents no 4 & 5, but by letter dated 4.10.2013, the Respondent no. 4 rejected her representation. She made further representation on 15.10.2013 to the Respondent no. 4, who in turn wrote to the Respondent no. 1 on 5.12.2014 seeking Government approval to allow the Applicant to join as Junior Accountant. However, no reply has been received from Respondent no. 1. There has been some delay in filing this Original Application. However, delay is not fully attributable to the Applicant, as the Respondent no. 4 took almost a year to seek approval from the Government and no reply is yet received from the Government. Learned Counsel for the Applicant contended that this is a fit case for condonation of delay.

5. Learned Presenting Officer argued on behalf of the Respondents that the Applicant was appointed to the post of Junior Accountant by order dated 26.3.2013 and it was clearly mentioned in the letter that she was required to join within 30 days. As she failed to do so,

she has no claim to the post. He further argued that delay is almost of four years as the order was dated 26.3.2013, while the Original Application is filed in February, 2017. After 2014, the reasons for delay has not been explained by the Applicant and, therefore, this Civil Application may be rejected.

6. We find that the Respondents no 2 & 3 have recommended to the Respondent no. 1 to allow the Applicant to join as Junior Accountant on 5.12.2014 and 19.12.2015. However, no decision has yet been taken by the Government. There appear to be some delay in filing this Original Application. But considering all the facts and circumstances, we are inclined to condone the delay in filing the Original Application.

7. This Civil Application for condonation of delay in filing the Original Application no. 70/2017 is allowed with no order as to costs.

**(J.D Kulkarni)**  
**Vice-Chairman (J)**

**(Rajiv Agarwal)**  
**Vice-Chairman (A)**

**Place : Nagpur**  
**Date : 07.07.2017**  
**Dictation taken by : A.K. Nair.**