

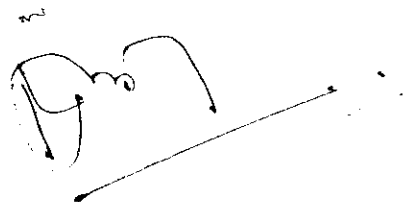
**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI  
ORIGINAL APPLICATION NO.182 OF 2016  
WITH  
MISCELLANEOUS APPLICATION NO.351 OF 2014**

**DISTRICT : MUMBAI**

Shri Raghunath Maruti Kharat , )  
Age 84 years, Retired Assistant Controller of )  
Rationing, Mumbai )  
R/at 22/1155, Abhudaya Nagar, Kalachouki, )  
Mumbai 400033 )..Applicant

Versus

1. The State of Maharashtra, )  
Through the Chief Secretary, )  
Food & Civil Supplies Department, )  
Mantralaya, Mumbai )
2. The Controller of Rationing, )  
Express Building, 2<sup>nd</sup> floor, E Road, )  
Churchgate, Mumbai )..Respondents



Shri J.N. Kamble – Advocate for the Applicant

Miss Neelima Gohad – Presenting Officer for the Respondents

CORAM : Rajiv Agarwal, Vice-Chairman

R.B. Malik, Member (J)

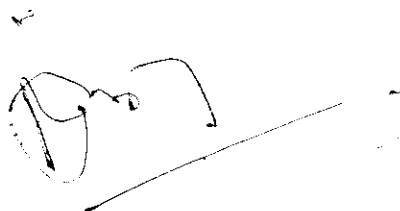
DATE : 2<sup>nd</sup> March, 2016

PER : R.B. Malik, Member (J)

### **J U D G M E N T**

1. These two proceedings are being disposed off by this common judgment. In the OA the applicant who retired way back in 1988 seeks relief of being given deemed date of promotion from 1986 with consequential benefits to the post of Dy. Controller of Rationing and other connected reliefs. To us it appears that there is considerable delay but Shri Kamble, Ld. Advocate submits that his representation having been replied to on 17.2.2010 there is a delay of about 3 years or a little more. In order to make sure that the applicant who must be in his 80's now should know his fate the delay is condoned and we immediately take up for consideration and decision the OA itself.

2. We have heard Shri J.N. Kamble, learned Advocate for the Applicant and Miss Neelima Gohad, learned Presenting Officer for the Respondents.



3. We are of the opinion that granting all latitude to the applicant his move cannot succeed inasmuch as the perusal of the communication on 17.2.2010 a copy of which is at Exhibit A page 19 of the paper book would make it very clear that in the years 1983-84, 1984-85 the adverse remarks were communicated. However, in sum and substance even if the adverse remarks for 1985-86 were not communicated even then it would not redeem the case of the applicant. Shri Kamble, Ld. Advocate sought to contend that the request for placing the matter before Hon'ble Minister for Social Justice, was not accepted. That does not appear to be correct inasmuch as in the communication there is a clear reference to the fact that the matter was placed before the Hon'ble Minister.

4. There is another communication of 27.5.2008 Exhibit F page 31 of the paper book from Controller of Rationing and Director of Civil Supplies to the Government in Food and Civil Supplies and Consumer Protection Department from which it would quite clearly appear that the ACRs of the applicant from 1957 to 1983-84 were available although the same for 1983-84 were not available on record. However, the fact remains that in the totality of the circumstances the applicant cannot successfully make grievance of he having been subjected to any discrimination.



5. In the context of facts such as they are it needs to be mentioned that in such matters if the grievance is not tried to be ventilated before judicial forum in good time even apart from the issue of law of limitation even on the practical side it becomes almost impossible and in any case very difficult to render a proper decision or judgment because by then the record of last 30 years or more may become difficult to be had and therefore even if delay is condoned in actual facts and circumstances yield is nothing. That being the state of affairs we find no merit in this OA. The MA for condonation of delay is allowed with no order as to costs and the OA is dismissed with no order as to costs.

Sd/-  
**(R.B. Malik)**  
**Member (J)**  
**2.3.2016**

Sd/-  
**(Rajiv Agarwal)**  
**Vice-Chairman**  
**2.3.2016**

Date : 2<sup>nd</sup> March, 2016

Dictation taken by: S.G. Jawalkar.