

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI**

**ORIGINAL APPLICATION NO.196 of 2019**

**(Subject : Direction to decide appeal within stipulated period)**

Shri Ishwar Lotan Bhadane )  
R/at. Samved 38, Indraprasth Nagar, )  
Peth Road, Panchwati, Nashik 03 ) **....Applicant.**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Tribal Development Department, )  
Mantralaya, Mumbai 400 032. )

2. The Commissioner of Tribal Development, )  
Gadkari Chowk, Nashik. )

3. The Additional Commissioner of Tribal )  
Development, Vardan Sankul )  
(Wagale Estate), 9<sup>th</sup> floor, Passport office, )  
Thane (West). ) **.....Respondents.**

Shri L.S. Deshmukh, the learned Advocate for the Applicant.  
Ms. N.G. Gohad, the learned Presenting Officer for Respondents.

**CORAM :** Shri B.P. Patil, Member(J)  
Shri P.N. Dixit, Member(A)

**DATE :** 06.03.2019.

**PER :** Shri B.P. Patil, Member(J)

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

1. Heard Shri L.S. Deshmukh, the learned Advocate for the Applicant and Ms. N.G. Gohad, the learned Presenting Officer for Respondents.
2. Applicant has filed this O.A. and claimed following reliefs :-  
“A) Call for the relevant records and papers from the office Respondents in respect of Applicant’s pending Appeal with the Respondent No.2 and transfer and after going through the same,

- l) Direct the Respondent No.2 to decide and / or take appropriate decision on the Applicant's pending Appeal dated 05<sup>th</sup> May, 2014 within four weeks in accordance with law and also to communicate the same to the Applicant."

3. On perusal of the record it reveals that the Applicant has been dismissed from the services by order dated 01.04.2014. Applicant has challenged the order by preferring an appeal before Respondent No.2 on 05.05.2014. Respondent No.2 has not yet decided the appeal and the same is still pending.

4. Learned P.O. Ms. N.G. Gohad for the Respondents has submitted that the Applicant has not appeared before the Appellate Authority inspite of notice given to him. She has also submitted that on the previous date i.e. on 28.02.2019 though Applicant was given notice to appear before the Appellate Authority he remained absent and therefore Respondent No.2 was not able to dispose of the appeal. She has further submitted that a fresh notice will be sent to the Applicant and applicant will be heard and thereafter appeal will be decided within a short time.

5. Learned Advocate Shri L.S. Deshmukh for the Applicant has submitted that he will instruct the Applicant to appear before Respondent No.2 on the date fixed and the Applicant will co-operate Respondent No.2 in hearing on the appeal and therefore he prays to direct the Respondent No.2 to dispose of the appeal within stipulated period.

6. Respondent No.2 has not decided the Appeal since 2014, therefore in our view it is just to direct the Respondent No.2 to decide the appeal within two months from today after giving an opportunity of hearing to the Applicant.

7. In view of this O.A. is disposed of with a direction to the Respondent No.2 to decide the appeal filed by the Applicant within two months from today by giving an opportunity of hearing to the Applicant. Applicant is directed to appear before Respondent No.2 on 14.03.2019. No order as to costs.

**Sd/-**  
**(P.N. Dixit)**  
**Member(A)**

**Sd/-**  
**(B.P. Patil)**  
**Member(J)**

prk