

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 7 OF 2019
IN
MISC. APPLICATION NO. 530 OF 2019
IN
ORIGINAL APPLICATION ST.NO. 2098 OF 2019**

DISTRICT: - HINGOLI

Bharat s/o Govardhan Raut,)
Age- 35 years, Occu. Labour,)
R/o Kanadkheda (Kh),)
Ta. & Dist. Hingoli.)..**APPLICANT**

V E R S U S

1. The District Commandant)
(Cum-District Superintendent of Police,))
Home Guards Office, Hingoli,)
Tq. & Dist. Hingoli.)..**RESPONDENT**

APPEARANCE : Shri S.D. Joshi, learned Advocate
for the applicant.
: Smt. Sanjivani K. Deshmukh-Ghate,
learned Presenting Officer for the
respondents.

CORAM : **Shri V.D. Dongre, Member (J)**
And
Shri Bijay Kumar, Member (A)

Reserved on : **02.02.2023.**

Pronounced on : **16.02.2023.**

ORDER

(Per: Shri V.D. Dongre, Member (J))

1. This application is made seeking review of the order dated 13.11.2011 (Annexure 'A-1') passed by this Tribunal in Misc. Application No. 530 of 2019 in O.A.St.No. 2098 of 2019.

2. The applicant filed Misc. Application No. 530 of 2019 along with accompanying Original Application St. No. 2098 of 2019 for condonation of delay of 3 years, 6 months and 2 days. Accompanying Original Application was filed for following reliefs:-

“(A) This Original Application may kindly be allowed.

(B) The respondent may kindly be directed to reinstate the applicant in the service of Home Guard till the conclusion of criminal trial or subject to outcome of Criminal trial which is pending in the learned Judicial Magistrate First Class, Hingoli in connection with Crime No. 159/2014 registered with police station Hingoli for the offences punishable U/s. 353, 332, 504, 506 and 34 of I.P.C.

(C) Any other relief to which the applicant is entitled may kindly be granted in his favour.”

3. The said delay condonation application being Misc. Application No. 530 of 2019 was decided by this Tribunal by

order dated 13.11.2019. Thereby the said Misc. Application for condonation of delay was rejected observing that no satisfactory and convincing reasons were mentioned. The applicant seeks review of the said order contending that considering the facts surface on record there is no question of the original application having been filed after a period of 3 years.

4. It is pertinent to note that the facts which are pleaded in the Review Application contending that there is no delay at all was not stated by applicant in the said Misc. Application. The said Misc. Application for condonation of delay was filed by the applicant in view of office objection of limitation raised in the matter.

5. In the circumstances as above, in our considered opinion, in this Review Application nothing is placed on record to show that there was apparent error on record committed by this Tribunal while rejecting the Misc. Application No. 530/209 by order dated 13.11.2019. In view of the same, in our considered opinion, Review Application is

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not maintainable and the same is liable to be dismissed. The appropriate remedy for applicant in such circumstances was to challenge the said order dated 13.11.2019 passed in Misc. Application No. 530/2019 before the higher forum in accordance with law. Hence following order:-

ORDER

- (A) The Review Application No. 7/2019 stands dismissed.
- (B) No order as to costs.

MEMBER (A)

MEMBER (J)

Place:- Aurangabad

Date : 16.02.2023.

SAS R.A.7/19 IN M.A.530/19 IN O.A.ST.2098/19