

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO.460/2018 IN O.A.ST.NO.1934/2018

DISTRICT: JALGAON

Sanjay s/o. Raghunath Koli,
Age : 40 years, Occu. : Nil,
R/o. Village Krishnpur,
Tq. Chopda, Dist. Jalgaon.

...APPLICANT

V E R S U S

The Sub Divisional Officer,
Amalner, Dist. Jalgaon.

...RESPONDENT

APPEARANCE :Shri S.B.Jadhav, Advocate for the
Applicant.

:Shri V.R.Bhumkar Presenting Officer for
the respondents.

CORAM : B. P. Patil, Vice Chairman

Reserved on : 17-07-2019

Pronounced on : 24-07-2019

O R D E R

1. By filing the present M.A, the applicant has prayed to
condone the delay of 225 days caused for filing the O.A.

2. The applicant has filed O.A. challenging the order
of termination/removal from service as Police Patil dated

06-04-2017. It is his contention that the termination order is illegal. Delay is caused for filing the O.A. because of his illness. It is his contention that he had undergone surgery of spinal cord at Mumbai, and therefore, he could not able to file O.A. in time. It is his contention that delay caused for filing the O.A. is not intentional and deliberate. The delay has been caused for just and proper reasons. Therefore, he prayed to condone the delay by allowing the M.A.

3. The respondent has resisted the contentions of the applicant by filing the affidavit in reply. It is his contention that the applicant has not shown sufficient cause for condonation of delay caused for filing the O.A. He has denied that the applicant was ill and therefore he could not able to file O.A. in time. It is his contention that the delay caused for filing the O.A. is intentional and deliberate. Sufficient reasons are not mentioned for condonation of delay. Therefore, he has prayed to reject the M.A.

4. I have heard Shri S.B.Jadhav learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents. I have perused documents placed on record by both the parties.

5. There is no dispute about the fact that the applicant was serving as Police Patil of Village Krishnapur, Tq. Chopda, Dist. Jalgaon. On completion of his tenure of 5 years his appointment was not renewed and accordingly the decision has been communicated to the applicant by the respondents by order dated 06-04-2017. The applicant has filed O.A. challenging the said order. Admittedly, there is delay of 225 days in filing the O.A.

6. Learned Advocate for the applicant has submitted that after receiving the impugned order, the applicant fall ill. He had undergone surgery for spinal cord at Mumbai, and therefore, he could not able to approach the Tribunal in time. He has submitted that there was no intentional or deliberate delay on the part of the applicant and valuable rights of the applicant are involved in the O.A. In support of his submission, learned Advocate for the applicant has placed reliance on the copies of the medical papers regarding treatment of the applicant. He has prayed to condone the delay caused for filing the O.A. by allowing the M.A.

7. Learned P.O. submits that the applicant has not shown sufficient cause for condonation of delay caused for filing the O.A. Medical papers do not show that the applicant was ill after passing the impugned order dated 06-04-2017, therefore, those papers are not relevant. He has submitted that there is an inordinate delay in filing the O.A. Therefore, he has prayed to dismiss the M.A.

8. Applicant has prayed to condone the delay on the ground that after receiving the impugned order dated 06-04-2017, he fell ill, and thereafter, undergone surgery at Mumbai for spinal cord. Therefore, he could not able to approach the Tribunal. On perusal of documents on record, it reveals that the applicant had undergone surgery for spinal cord on 30-05-2014 at Jalgaon. During the period from 04-04-2018 to 08-04-2018 he was admitted in KEM Hospital and Seth G.S. Medical College, Parel Mumbai for removal of implants. There is nothing on the record to show that after issuance of the impugned order, the applicant was under treatment and bed ridden except for the period of 4 days as stated above and because of illness he was prevented to approach this Tribunal. In the absence of sufficient and cogent evidence, contention of the

applicant regarding his illness cannot be accepted. The applicant has not shown sufficient and justifiable cause for condonation of delay. The documents on record show that after receiving the impugned order dated 06-04-2017, he had not acted diligently and not approached this Tribunal within prescribed period of limitation. The applicant had not acted diligently. This shows negligence on the part of the applicant. The delay caused for filing the O.A. is intentional and deliberate and not explained satisfactorily.

9. In these circumstances, in the absence of sufficient cause, the delay caused for filing the O.A. cannot be condoned. There is no merit in the M.A. Hence, it deserves to be dismissed.

10. In view of the discussion in the foregoing paragraphs, M.A. stands dismissed without any order as to costs. Accordingly, O.A. does not survive and hence its registration is refused.

(B. P. PATIL)
VICE CHAIRMAN

Place : Aurangabad
Date : 24-07-2019.