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15 JUN 2024

BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
TRIBUNAL, MUMBAI BENCH

MISC. APPLICATION NO. _____ OF 2024
(DELAY CONDONATION)

IN
ORIGINAL APPLICATION NO. _____ OF 2024

BETWEEN

SHRI. GAUTAM APPA SHINDE

APPLICANT

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

1) DETAILS OF THE APPLICATION :

PARTICULARS OF THE APPLICANT

Shri. Gautam Appa Shinde

Age – 59 Years

Retired as Awal Karkun

Residing at – Plot No. 211, Uddhavnagar



Majarewadi, Jule Solapur

Solapur 413 004.

Mob No – 8605686489

Email – gautamshindegogo@gmail.com

*Address for service of notice
Same as above*

APPLICANT

2) PARTICULARS OF THE RESPONDENTS

1) State of Maharashtra

Through Additional Chief Secretary,

Revenue and Forest Department,

Mantralaya,

Mumbai- 400 032.



- 2) Divisional Commissioner
Pune Division
Council Hall Opp. Poona Club
Camp Area
Pune - 411 001.
- 3) The Collector,
Collector Compound,
First Floor Main Building,
Sidheshwar Peth,
Solapur - 41300

Address for service of notice


Same as above

RESPONDENTS



FACTS OF THE CASE

1. The Applicant is aggrieved by order of punishment of "stoppage of increment for two years affecting future increments, permanently" issued by the Respondent No.3 by order dated 16/09/2009 and Respondent No.2 rejected the appeal and confirmed the punishment of Respondent No.3 by order dated 15/06/2022. And suspension period from 30/04/2007 to 14/10/2008 is treated as suspension period/as such by the Respondent No.3 by order dated 12/06/2014.
2. The said delay is not intentional and deliberate and therefore, the Applicant is praying that the delay be condoned. There is no mala-fide or deliberate delay on the part of the Applicant. The Hon'ble Tribunal be pleased to take a liberal approach considering the circumstances of the Applicant as well as the merit of the case.



3. The balance of convenience lies in favor of the Applicant and with regard to the delay there are certain principles that can broadly be culled out:

- (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.
- (ii) Substantial justice being paramount and pivotal, technical considerations should not be given undue and uncalled for emphasis.
- (iii) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.
- (iv) The entire gamut of facts is to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.



4. Moreover, the duty of the courts while dealing with the application for condonation of delay and in that context, courts should not adopt a strict standard of proof which may lead to a grave miscarriage of public justice.
5. The Applicant does not stand to benefit from the delay, nor is it a fact that Respondents will be immensely prejudiced if such non-deliberate delay is not condoned. There has not been a deliberate delay as would be evidenced from the foregoing paragraphs. Refusing to condone such non-deliberate delay may result in meritorious matters like the instant case, being thrown out at the very threshold and the cause of justice being defeated. As against this, when the delay is condoned, the highest that can happen in the instant case is that a cause would be decided on merits after hearing the parties.



6. The Applicant does not stand to benefit from the delay, nor is it a fact that Respondents will be immensely prejudiced if such non-deliberate delay is not condoned. There has not been a deliberate delay as would be evidenced from the foregoing paragraphs. Refusing to condone such non-deliberate delay may result in meritorious matters like the instant case, being thrown out at the very threshold and the cause of justice being defeated. As against this, when the delay is condoned, the highest that can happen in the instant case is that a cause would be decided on merits after hearing the parties.
7. Therefore, this Hon'ble Tribunal be pleased to condone the delay taking a sympathetic view.
8. The Applicant be allowed to adopt and read all the pleadings in the Original Application, in this Misc. Application for condonation of delay.
9. Therefore, this Hon'ble Tribunal be pleased to condone the delay taking a sympathetic view.

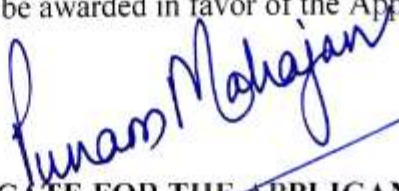


10. The Applicant be allowed to adopt and read all the pleadings in the Original Application, in this Misc. Application for condonation of delay.

RELIEF SOUGHT :

In view of the facts mentioned in paragraphs above, the Applicant prays for the following relief:

- a) That this Hon'ble Tribunal be pleased to condone the delay of almost 12 months and also be pleased to hear the Original Application on merit.
- b) That such other orders as justice and convenience may demand from time to time be passed in favor of the Applicant.
- c) That the cost of the application be awarded in favor of the Applicant.


(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PUNE
DATED: 15/06/2024



15 JUN 2024

VERIFICATION

I, Shri. Gautam Appa Shinde, Age – 59 Years, Retired as
Awal Karkun, Residing at – Plot No. 211, Uddhavnagar,
Majarewadi, Jule Solapur, Solapur 413004, do hereby verify
that the contents of above paras are true to my personal knowledge
and are believed to be true on the legal advice and that I have not
suppressed any material fact.



[Signature of G.A. Shinde]

SIGNATURE OF THE APPLICANT

[Signature of Punam Mahajan]

(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PUNE
DATE: 15/06/2024



BEFORE ME
[Signature of Notary]
VEERENDRA S. PATIL
NOTARY (GOVT. OF INDIA)
ERANDWANA, PUNE (MAHARASHTRA)
REGN. No. 9994

NOTED AND REGISTERED AT
SERIAL NUMBER 333/2024

15 JUN 2024