

**BEFORE THE MAHARASHTRA STATE ADMINISTRATIVE
TRIBUNAL MUMBAI BENCH**

17 8 DEC 2024

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

**IN
ORIGINAL APPLICATION NO. _____ OF 2024**

**BETWEEN
SHRI. DATTATRAY TIPANNA GAVANDI**

APPLICANT

V/S.

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

DETAILS OF THE APPLICATION :

1) PARTICULARS OF THE APPLICANT

Shri. Dattatreya Tipanna Gavandi,

Age - 61 Years,

Was Working as – Revenue Assistant in the Office of
Tahasildar, Akkalkot, District Solapur.

Residing at – Vikasnagar, Pinjare plot,

Samarthnagar,



In front of the BCA College.

Jeur Road,

Akkalkot

Mob No. 9130826933

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.

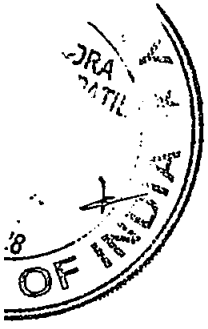
2) Divisional Commissioner

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

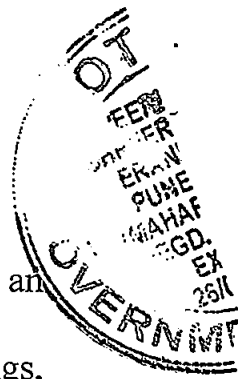
Address for service of notice

Same as above

RESPONDENTS

FACTS OF THE CASE

- 1) The Applicant has filed an Original Application aggrieved by order dated 25/02/2020, Respondent No.3 treating the suspension period from 01/11/2012 to 01/*02/2013 as a period of suspension "as such".
- 2) The impugned order was passed during the period of 'Covid' Pandemic and because of 'lock-down' order, it was not possible for the applicant to take any steps for challenging the impugned order



3) The Hon'ble Supreme Court on May 23, 2020, had passed an order directing that the period of limitation in all proceedings, irrespective of the limitation prescribed under the general law or special laws is extended from March 15, 2020, till further orders on account of the COVID-19 pandemic. Noticing that the country was returning to normalcy, the Hon'ble Supreme Court brought the extension of limitation to an end with its March 8, 2021 order. On April 27th 2021, the Hon'ble Supreme Court took note of the onset of the second COVID-19 wave and relaxed the statutory period for filing petitions. The Suo Motu extension of the limitation period was withdrawn by the Hon'ble Supreme Court with effect from October 2, 2021. Hence the period from 15/03/2020 to 28/02/2022 stands excluded from computing limitation. Therefore essentially there is 02 Years 09 months and 18 days delay in filing this Original Application.

4) The applicant submits that the Applicant continuously pursued the matter by making representations to the Respondents. 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 liberal approach considering the circumstances of the Applicant as well as the merit of the case.

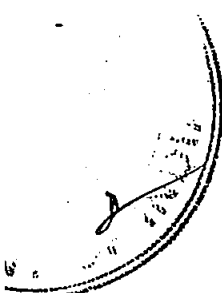
5) The balance of convenience lies in favor of the Applicant and with regard to the delay there are certain principles that can broadly be culled out

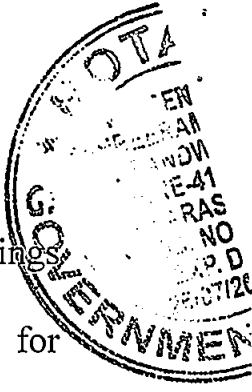
- (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice
- (ii) Substantial justice being paramount and pivotal the technical 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 conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.
 - (v) The entire gamut of facts are to be carefully scrutinised and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception
- 6) 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 grave miscarriage of public justice

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- 7) 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 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 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
- 8) Therefore this Hon'ble Tribunal be pleased to condone the delay taking a sympathetic view.
- 9) The Applicant be allowed to adopt and read all the pleadings in the Original Application, in this Misc. Application for condonation of delay.
- 10) Therefore this Hon'ble Tribunal be pleased to condone the delay taking a sympathetic view.



- 11) 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 Applicant prays for the following relief:

- a) That this Hon'ble Tribunal be pleased to condone the delay of almost 02 Years 09 months and ~~18~~ days 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 passed in favour of the Applicant.
- c) That the cost of the application be awarded in favour of the Applicant.

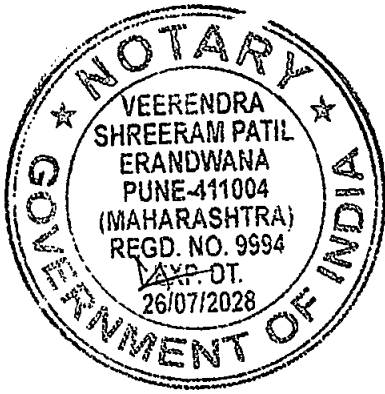
Punam Mahajan

ADVOCATE FOR THE APPLICANT
(PUNAM MAHAJAN)

PUNE

DATED: 16/12/2024

*



VERIFICATION

I, Shri. Dattatray Tipanna Gavandi, Age – 61 Years,
Retired as as Revenue Assistant, Residing Vikasnagar,
Pinjare Plot, in front of BCA, College, Samarth nagar, Jeur
Road, Akkalkot, Dist. Solapur., 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]

SIGNATURE OF THE APPLICANT

[Signature of Punam Mahajan]

(ADVOCATE FOR THE APPLICANT)
(PUNAM MAHAJAN)

PUNE

DATE: 12/2/2024

18 DEC 2024

BEFORE ME

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

NOTED AND REGISTERED AT
SERIAL NUMBER 711/2024

18 DEC 2024

