

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**MISCELLANEOUS APPLICATION NO. 324 OF 2022
IN
ORIGINAL APPLICATION ST. NO. 1203 OF 2022**

DISTRICT:- AURANGABAD

Trivin S/o Atmaram Kulkarni,

Age-61 years, Occu. Pensioner

(Retired as Store Keeper from ITI, Jalna),

R/o. N-11, B-35-2, Hudco, Aurangabad. ..

APPLICANT

V E R S U S

1. The State of Maharashtra,

Through its Principal Secretary,
Department of Skill Development,
Employment and Entrepreneurship,
Mantralaya, Mumbai-32.

2. The Director,

Directorate of Vocational Education
and Training, 3, Mahapalika Marg,
Post Box No. 10036, Mumbai-400001

3. The Joint Director,

Vocational Education and Training,
Regional Office, Bhadkalgate,
Aurangabad, Taluka and
District, Aurangabad.

4. The Principal,

Industrial Training Institute, Jalna.

5. The Accountant General,

Pension Wing, Old Building
Post Box No. 114, Civil Lines
Nagpur-440001

(Through Senior Accounts Officer/PR .. **RESPONDENTS**

APPEARANCE : Shri S.S. Jadhavar, learned counsel
for the applicant.

: Mrs. Deepali S. Deshpande, learned
Presenting Officer for the respondent
authorities.

**CORAM : JUSTICE SHRI V.K. JADHAV, VICE CHAIRMAN
AND
: SHRI VINAY KARGAONKAR, MEMBER (A)**

DATE : 07.01.2025

O R A L O R D E R

[Per : Shri Vinay Kargaonkar, Member (A)]

Heard Shri S.S. Jadhavar, learned counsel for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. Learned counsel for the applicant submitted that the order of compulsory retirement of the applicant was issued by respondent No. 3 on 15.12.2017. Since the provision of departmental appeal was available, the said order was not challenged immediately before this Tribunal. Therefore, limitation period to challenge the said order would not begin from 15.12.2017 and, as such, the period of limitation cannot be counted from 15.12.2017.

3. The applicant challenged the order dated 15.12.2017 before the appellate authority, which was dismissed by the appellate authority by order dated 23.07.2018. The said order

was corrected by corrigendum dated 03.12.2018, which was communicated to the applicant vide communication dated 12.12.2018. Therefore, the limitation period in order to challenge the order dated 23.07.2018 coupled with corrigendum dated 03.12.2018 would begin on 12.12.2018. Even after dismissal of the appeal the applicant was expecting that he would not be put to loss of pensionary benefits. However, by order dated 18.03.2020 issued by respondent No. 5 and order dated 28.07.2020 issued by respondent No. 3 the applicant has been granted lesser pension than the quantum for which he was entitled. The applicant realized that the orders of pension were passed on the basis of order dated 15.12.2017 issued by respondent No. 3 and the order dated 23.07.2018 issued by respondent No. 2. Therefore, the applicant thought it appropriate to challenge the basic order i.e. order dated 15.12.2017 issued by respondent No. 3 and subsequent order dated 23.07.2018 issued by respondent No. 2.

4. In 2020 Corona Pandemic also started. In view of the above facts delay has been caused in raising challenge to the order dated 15.12.2017 and 23.07.2018.

5. The delay has been appropriately justified by the applicant. Hence, the Misc. Application deserves to be allowed

by condoning the delay caused in filing accompanying Original Application subject to payment of costs of Rs. 1,000/- (Rs. One thousand only) by the applicant. Hence, the following order is passed: -

ORDER

- (i) The Misc. Application No. 324/2022 is hereby allowed.
- (ii) The delay caused in filing the accompanying O.A. under Section 19 of the Administrative Tribunals Act, 1985 is hereby condoned, subject to payment of costs of Rs. 1,000/- (Rs. One thousand only) to be paid by the applicant. The amount of costs shall be paid to the M.A.T. Bar Association within a period of one month from the date of this order.
- (iii) Upon satisfaction of the costs as above, the accompanying O.A. be registered and numbered by taking into account other office objection/s, if any.
- (iv) The Misc. Application is accordingly disposed of.

MEMBER (A)

VICE CHAIRMAN