

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**

**MUMBAI BENCH**

**MISC APPLICATION NO 135 OF 2021**

**IN**

**ORIGINAL APPLICATION NO 246 OF 2021**

**WITH**

**ORIGINAL APPLICITON NO. 246 OF 2021**

**DISTRICT : PUNE**

Dr Ramdas Dashrath Tate )  
Medical Officer, at Mutha Primary Health )  
Centre, Tal-Mulshi, Dist-Pune. )  
R/o: 204, Deepa Park, Survey No. 16/9, )  
Ambegaon [BK], Tal-Haweli, Dist-Pune. )...**Applicant**

**Versus**

1. The State of Maharashtra )  
Through the Secretary, )  
Public Health Services, Mantralaya, )  
Mumbai 400 032. )
2. The Commissioner, )  
Public Health Services, )  
St. Georges Hospital Compound, )  
M.S, Mumbai – 1. )
3. The Director, )  
Public Health Services, )  
St. Georges Hospital Compound, )  
M.S, Mumbai – 1. )

4. The District Health Officer, )  
[Health Department], Pune, )  
Zilla Parishad Pune, )  
New Administrative Bldg, )  
Welsi Road, Pune. )...**Respondents**

Shri V.P Potbhare, learned advocate for the Applicant.

Shri A.J Chougule, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula R. Bhatkar (Chairperson)**  
**Smt Medha Gadgil (Member) (A)**

**DATE : 24.8.2021**

**PER : Justice Mridula R. Bhatkar (Chairperson)**

### **ORDER**

1. Heard Shri V.P Potbhare, learned advocate for the Applicant and Shri A.J Chougule, learned Presenting Officer for the Respondents.

2. The present Misc Application is filed seeking condonation of delay in filing the Original Application. The cause of action according to the applicant arose in the year 2009 and the present Original Application is filed on 31.3.2021. Thus, there is a delay of 13 years in filing the Original Application.

3. Learned counsel for the applicant prays in the Original Application that the Respondents no 1 to 4 may kindly directed to consider and treat the period of his ad hoc services, i.e. from 30.8.1999 till the date of absorption, i.e. on 10.9.2009 as

continuous service and consider the seniority for grant of pensionary benefits.

4. There is a delay of 13 years in filing the present Original Application. Hence, we made a query to the learned counsel for the applicant to show good and satisfactory grounds to condone the delay of 13 years. The applicant had knowledge that he was absorbed in service on 10.2.2009 and his earlier ad hoc service from 30.8.1999 till 10.2.2009 was never regularized.

5. Learned counsel on our query for showing the reasons to condone the delay of 13 years, submitted that it is a continuous cause of action and therefore the delay of 13 years is to be condoned. Learned counsel for the applicant submits that his representations dated 11.2.2021, 23.2.2021, 19.3.2021 and 30.3.2021 are also not decided by the Respondents and not reply is given to the applicant.

6. As the learned counsel for the applicant could not point out any good and satisfactory reason to condone the long delay of 13 years, after going through the application, we also could not find good and satisfactory grounds justifying the delay of 13 years. The applicant had knowledge that he was absorbed and regularized in service on 10.2.2009 and his services from 30.8.1999 to 10.9.2009 was considered as ad hoc service.

7. Had the applicant made representation immediately and would have approached the appropriate Fora for his regularization, this delay could have been justified. However, in absence of any recourse taken by the applicant for seeking remedy for his grievance, we are unable to condone the delay of 13 years.

8. Hence, the Misc Application seeking condonation of delay of 13 years in filing the Original Application is dismissed. As the Misc Application is dismissed, the Original Application also stands dismissed.

**Sd/-  
(Medha Gadgil)  
Member (A)**

**Sd/-  
(Mridula Bhatkar, J.)  
Chairperson**

**Place : Mumbai  
Date : 24.08.2021  
Dictation taken by : A.K. Nair.**