

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**MISC APPLICATION NO 209 of 2017
IN
ORIGINAL APPLICATION NO 425 OF 2017**

DISTRICT : SATARA

Shri Pralhad Dinkar Salunkhe)
Occ : Removed from service,)
R/o: A/P Vadgaon Haveli, Tal-Karad,)
Dist-Satara.)...**Applicant**

Versus

1. The State of Maharashtra)
Through the Secretary,)
Ministry of Home Affairs, 2nd floor,)
Mantralaya, Mumbai 400 032.)
2. Director General of Police,)
Maharashtra Rajya Police Mukhyalaya)
S.B Singh Marg, Colaba,)
Mumbai 400 001.)
3. Inspector General of Police,)
Training and Special Force, M.S,)
S.B Singh Marg, Colaba,)
Mumbai 400 001.)
4. Special Inspector General of Police,)
Motor Transport Division,)
M.S, Aundh, Pune.)

5. The Principal,)
Divisional Police Training School,)
Khandala, Dist-Pune.)...**Respondents**

Shri A.V Shinde, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : **Shri Justice A.H Joshi (Chairman)**

DATE : **28.02.2018**

ORDER

1. Heard Shri A.V Shinde, learned advocate for the Applicant and Ms Archana B.K, learned Presenting Officer for the Respondents.
2. Applicant has filed O.A 425/2017 challenging order dated 19.8.1987, thereby terminating his service simpliciter during training period.
3. Present Original Application is delayed by 30 years and hence Misc Application is filed seeking condonation of delay.
4. Applicant has in order to pursue challenge to termination, approached the Respondents by his representation dated 27.08.1987. The said representation was rejected by communication dated 12.10.1987.
5. Applicant ought to have agitated the cause from the date of receipt of communication dated 12.10.1987.

6. Applicant has pursued cause against termination by submitting representations dated 27.4.2005, 24.11.2005, 9.5.2006, 10.7.2006 and 2.9.2006.

7. It is seen that applicant's representation after his termination being confirmed is filed by him clearly after 9 years and thereafter as well his persuasion has been incompetent.

8. It appears that after 2006, applicant again began filing representations which are dated 6.1.2013 and few more representations copies whereof are not placed on record by the applicant.

9. In order to urge his claim for condonation of delay, learned advocate for the applicant has relied upon following judgments:-

- (i) Judgment of Supreme Court in Ramchandra Shankar Deodhap Vs. State of Maharashtra, 1974 AIR (SC) 259.
- (ii) Judgment of Allahabad High Court in Ambika Prasad Vs. Commissioner, Jhansi Division & Others, 1995 AIHC 579.
- (iii) Judgment of High Court of Bombay, Nagpur Bench, in Ashok B. Ratan Vs. Nagpur Improvement Trust, Nagpur, 2004 (3) Mah.L.J 659.

10. Learned advocate for applicant has very fervently argued by relying on observations contained in para 6 of the judgment in Ashok B. Ratan's case (supra). Relevant text reads as follows:-

“6. In view of the law as discussed hereinabove and the facts of the case, I am of the view that I shall have to see as to what shall get condoned if the delay is not condoned. If the grievance of the applicant is not opened for scrutiny, observance of mandatory provision of law shall stand neglected and balance of justice cannot be struck if the delay

is not condoned. It will have to be seen what gets condoned is illegality, if delay is not condoned which certainly cannot be allowed.”

11. Applicant is not able to show as to which of the illegality or wrong would get condoned if delay is not condoned for enabling him to rely on my own observations in Ashok B. Ratan’s case supra.

12. In the aforesaid background, applicant has failed to make out a case of showing even slightest reason much less sufficient cause and reason for condonation of delay over 30 years from 12.10.1987 till the date of filing of O.A.

13. Hence application for condonation of delay has no merit and is dismissed.

Sd/-
(A.H. Joshi, J.)
Chairman

Place : Mumbai
Date : 28.02.2018
Dictation taken by : A.K. Nair.