

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

**MISC APPLICATION NO.325 of 2024
In
ORIGINAL APPLICATION NO.536 OF 2024**

**DISTRICT: PUNE
Subject: Recall Order**

Shri Madan Balkrishna Sisal,)
Age: 57 yrs, Occ: Assistant Police Inspector)
Pune City Police Commissionerate.)...**Applicant**

VERSUS

The Superintendent of Police, Solapur (Rural))
Having office at Solapur.)..**RESPONDENTS**

Shri A. V. Bandiwadekar, learned Advocate for the Applicant.

Shri D. R. Patil, learned Presenting Officer for the Respondents.

CORAM : Shri Ashutosh N. Karmarkar, Member (J)

DATE : 24.09.2024.

J U D G M E N T

1. The Applicant has filed this Misc. Application for recalling of order dated 22.04.2024 thereby this Tribunal has directed the Applicant to file M.A. for condonation of delay.

2. The Applicant was under suspension from 26.04.2011 to 09.03.2014 in view of registration of CR No.432/2009 at Mohol Police Station, District Solapur. The said order recites that the Applicant will remain under suspension till conclusion of the case. The Applicant was reinstated in service on 09.03.2014. He is not informed that any decision

is taken regarding determination of suspension period. The Applicant has made representation dated 01.12.2023 to hold the suspension period as duty period but no decision is taken. The Respondents has raised objection about delay in filing application but actually there is no delay.

3. The Respondent has filed Affidavit in Reply to Misc. Application and have come with the case of delay of 9 years in filing the Original Application which is not properly explained.

4. I have heard both the sides. Shri A. V. Bandiwadekar, learned Advocate for Applicant has submitted that Applicant is already reinstated by order dated 09.03.2014. However, the decision of regularization of suspension period is not taken by the department. Secondly, the Government has refused to accord the sanction to prosecute the Applicant pertaining to CR No.432/2009. Therefore, nothing remains in the said matter. According to them, the Applicant has moved representation on 01.12.2023 for regularization of suspension period, but department has not taken action saying that Original Application is filed within time.

5. On the other hand, Shri D. R. Patil, learned PO submit that as per order dated 09.03.2014, the decision regarding suspension period would be taken subsequently. However, the Applicant has not taken steps from 2014 to 2023.

6. The learned Advocate for Applicant relied in case of ***Budhia Swain & Others Vs Gopinath Deb & Others, (1999) 4 SCC 396***. He has submitted that this Tribunal can recall the order earlier made by it, if there has been mistake by the Court prejudicing a party as held in that case.

7. It appears that on 22.04.2024, after hearing both sides, the Tribunal has directed the Applicant to file application for condonation of delay. Rather than to challenge the said order or to comply the order, the Applicant has filed this application.

8. The Applicant can mention by filing application for condonation of delay that actually there is no delay in filing petition and can alternately pray for condonation of delay. It also cannot be ignored that criminal case pertaining to CR No.423/2009 is still pending and application of discharge is also not decided.

9. In view of above facts and circumstances, Misc. Application for condonation of delay deserves to be dismissed, so the citation referred by Applicant is unhelpful for Applicant. Hence, the following order:-

ORDER

- (A) Misc. Application is dismissed
- (B) No order as to costs.

Sd/-
(Ashutosh N. Karmarkar)
Member (J)

