[Spl/MAT/F-5/E]

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/ 473 /2016
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 8 FEB 2016

M.A. No. 168/2014 IN O.A. ST. No. 307/2014.
(Sub- Rejection of Appointment)

1 Shri Mangesh B. Gaikwad,
R/o. Dr. B. Ambedkar, CHS., R.No. 60, Yerwada, Pune-6.

....**APPLICANT/S.**

VERSUS

1 Additional D.G. of Police, Wireless, M.S., Pune.

2 Superintend of Police, Wireless, West Division for Pune, Pune.

.....**RESPONDENT**/S

Copy to : The C.P.O. M.A.T., Mumbai.

The applicant/s abovenamed has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the ***29th*** *day of* ***January 2016*** *has made the following order:-*

APPEARANCE : Shri S.S. Dere, Advocate for the Applicant.
Shri A.J. Chougule, P.O. for the Respondents.

CORAM : **HON'BLE SHRI R.B. MALIK, MEMBER (J).**

DATE : **29.01.2016.**

ORDER : Order Copy Enclosed / Order Copy Over Leaf.

5/2/2016

Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

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(3)

(G.C.P.) J 2260(B) (50,000—2-2015) [Spl.- MAT-F-2 E.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET NO.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

M.A.168/2014 in OA St.No.307/2014

Heard Shri S.S. Dere, learned Advocate for the Applicant and Shri A.J. Chougule, the learned Presenting Officer for the Respondents.

This MA is for condonation of delay. There seems to be a delay of a little more than one year. However, the event preceding which will be presently mentioned, in my view, should fall in the category of the cause being sufficient for condoning the said delay.

There is no reason to disbelieve the Applicant with regard to the fact that he was advised by a learned Advocate at Pune to make a complaint before the Consumer Forum, but the said Advocate did not do anything further and the papers remained with him. It was thereafter that an apparently accurate legal advice was given to him to move to this Tribunal with OA. The Applicant is vying for the post of a Cook and without meaning any disrespect at all, it needs to be mentioned that he is not from a strata of the society to which knowledge and expertise in legal matters could be attributed. There was some problem at some stage with regard to the caste validity, but thereafter, as a result of a judgment in Writ Petition Nol.2136/2011 (Shrikant C. Saindane Vs. The State of Maharashtra and 3

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders

others and other Writ Petitions, dated 25th August, 2011) that position got simplified so to say and crystallized.

That being the state of affairs dispite the vociferous objection of the learned P.O, I do not think, the Applicant could be called cantankerous litigant exhibiting contumacious conduct. There is no reason why he should not be allowed to get a logical decision in his OA. It is trite position that, generally, the Courts must prefer a logical end to all litigations rather than dismissals for default, unless the reasons are really compelling.

The MA is allowed. The delay is condoned. The Applicant and the Office of this Tribunal are directed to now proceed the matter further and in the absence of any other office objection, the OA may be registered and placed before the appropriate Bench for being dealt with in accordance with law.

It is clarified that the pendency of the OA shall not come in the way of the Applicant making an appropriate representation for redressal before the concerned authorities of the Respondents and the said authority taking a decision considered proper in that behalf. No order as to costs.

(R.B. Malik)
Member (J)
29.01.2016

(skw)

DATE: 29/1/16
CORAM:
Hon'ble Shri RAJIV AGARWAL
(Vice - Chairman)
Hon'ble Shri R. B. MALIK (Member) ✓
APPEARANCE:
Shri/Smt.: S. S. Dere
Advocate for the Applicant
Shri/Smt.: A. J. Chougale
C.P.O / P.O. for the Respondents
order passed on
the Tribunal's condolence.
Adj. To:
M.A is Allowed.

TRUE COPY
Attested 5/2/2016
Asstt. Registrar / Research Officers
Maharashtra Administrative Tribunal
Mumbai