

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO.232 OF 2016
IN
ORIGINAL APPLICATION NO.1048 OF 2015
WITH
MISC. APPLICATION NO.233 OF 2016
IN
ORIGINAL APPLICATION NO.1049 OF 2015**

S/Shri S.C. Gadade & S.S. Pardule)...**Applicants**

Versus

1. The State of Maharashtra & Ors.)...**Respondents**

Shri A.V. Bandiwadekar, Advocate for Applicants.

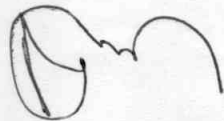
Ms. S. Suryawanshi, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 06.01.2017

ORDER

1. Heard Shri A.V. Bandiwadekar, the learned Advocate for the Applicants and Ms. S. Suryawanshi, the learned Presenting Officer for the Respondents.



2. Both these MAs seeking condonation of delay in bringing the OAs which relate to the promotion aspect of the service conditions of the Applicants can be and are being disposed of by this common order.

3. The case of the Applicants is that in as much as they are aggrieved by what they perceive to be improper rejection of their claim for being considered for promotion, it is continuing cause of action, but even if it is found that there was some delay, in 1st matter, it was about three months while in the 2nd matter, it was about five months which is marginal. The interest of justice demands that the matter be heard on merit by removing the hurdle of limitation.

4. There has been some mix-ups of Affidavits, but in the ultimate analysis, in the 1st matter, the Affidavit-in-reply is filed by Mrs. Kavita B. Jadhav and she herself has filed an Affidavit styled as Affidavit-in-sur-rejoinder in the companion MA. The harp is on the merit of the OA rather than the contest on the issue of sufficiency of cause to condone the delay. In my opinion, it is quite clear that at this stage, the crux of the matter is not the merit of the OA but as to whether a case is made out for hearing the OA after the removal of the hurdle of limitation. Even the main case of the Applicants with regard to the cause of action being continuous is not something that can be lightly pushed over. But even then, for the sake of argument, if it was found that there is delay, the same needs to be and is hereby condoned. The Office and the Applicants are

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directed to process the matter further, so that the OAs are brought before the Bench for hearing and disposal according to law. The Misc. Applications are allowed in these terms with no order as to costs.

Sd/-

(R.B. Malik)
Member-J
06.01.2017

Mumbai

Date : 06.01.2017

Dictation taken by :

S.K. Wamanse.

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