

MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

NO.MAT/MUM/JUD/1324/2017
Maharashtra Administrative Tribunal
Pay & Accounts Barrack Nos.3 & 4,
Free Press Journal Marg,
Nariman Point, Mumbai 400 021.

Date : 30 MAR 2017

M. A. 556 of 2016 In O. A. NO.1210 OF 2016.

(Sub :- One Step Promotion)

- 1 Smt Sudha Chandrashekhar Desai,
R/at A/2-207, Mantri Chandak Park, Vijapur Road, Solapur.

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

VERSUS

- | | |
|--|---|
| 1 The State of Maharashtra, Through
Chief Secretary, Mantralaya,
Mumbai-32. | 2 The Addl. Chief Secretary,
Revenue and Forest Dept.,
Mantralaya, Mumbai-400 032. |
| 3 The Divisional Commissioner,
Maharashtra State, Pune Division,
Council Hall, Pune-411 001. | 4 The Collector, Collector Office
Compound, Main Bldg.,
Siddheshwar Peth,
Solapur - 413 003. |

...RESPONDENT/S

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


The applicant/s above named has filed an application as per copy already served on you, praying for reliefs as mentioned therein. The Tribunal on the **24th** day of **March , 2017** has made the following order:-

APPEARANCE : Smt Punam Mahajan, Advocate for the Applicants.
Shri A.J. Chougule, P.O. for the Respondents.

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

DATE : **24.03.2017.**

ORDER : **Order Copy Enclosed / Order Copy Over Leaf.**


Research Officer,
Maharashtra Administrative Tribunal,
Mumbai.

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

M.A./R.A./C.A. No.

of 20

IN

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.556 of 2016 in O.A.1210/2016

Mr. S.C. Desai

... Applicant

Vs.

State of Mah. & Ors.

... Respondents

This is an application for condonation of delay in bringing the OA. In which OA, the orders of punishment have been sought to be quashed and set aside. The Applicant admits to there being delay of about three years and nine months, but attributes the same to the non-receipt of a certain appellate order. The application is strongly opposed by the Respondents by filing an Affidavit-in-reply of Mr. Ajit N. Relekar, Resident Deputy Collector, Solapur. The said plea was further amplified during the addresses by Mr. A.J. Chougule, the learned PO. A plea is raised that even the OA has no substance.

There is no concrete material adduced on behalf of the Respondents that the order referred to, was served on the Applicant and without that, in my opinion, there will be a case for condonation of delay. When the judicial forum is required to consider such applications, the only fact that there is a delay by itself will not be sufficient though it will be one aspect of the matter. The issue will be as to whether the matter survives on the anvil of sufficiency of cause. A number of judicial pronouncement has it that such applications should be construed more with a view to advance justice than let the matter be sacrificed on the altar of the procedure. The delay is, therefore, condoned and the Office and the Applicant shall take all steps necessary to get the OA placed before the appropriate Bench for hearing and disposal according to law. The MA is allowed in these terms with no order as to costs.

DATE: 24/03/17

CORAM:

Hon'ble Shri. RAJIV AGARWAL

(Vice - Chairman)

Hon'ble Shri R. B. MALIK (Member)

APPEARANCE:

Shri/Smt. : Punam Mahajan

Advocate for the Applicant

Shri/Smt. : A.J. Chougule

C.P.O./P.O. for the Respondents

Adj. To : M.A. is allowed.

sd/ 24.3.17
(R.B. Malik)
Member (J)
24.03.2017

TRUE COPY

Asstt. Registrar/Research Officer
Maharashtra Administrative Tribunal
Mumbai.