

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

M.A.NO.315/2021 WITH O.A.ST.NO.1338/2021

DISTRICT:- NANDED

Chandrashekhar Subramaniam Iyer,
Age : 71 years, Occ. Nil - Pensioner,
Retired as Sectional Engineer from the office of Senior
Geologist, GSDA, Nanded. R/o. "Ravikiran",
Flat No.3, Dashmesh Nagar, Near Khalsa High School,
Bafna, Nanded 431 604. **...APPLICANT**

V E R S U S

1. The State of Maharashtra,
Through the Additional Chief Secretary,
Water Supply and Sanitation Department,
7th Floor, G.T. Hospital Building Complex,
Near Crawford Market, Lokmanya Tilak Marg,
New Mantralaya Building, Mumbai 400 001.
2. The Commissioner,
Groundwater Surveys and Development Agency,
Bhoojal Bhavan, Agriculture College Campus,
Wakdewadi Road, Shivajinagar, Pune 411 005.
3. The Deputy Director,
Groundwater Surveys and Development Agency,
Nagpur Region, 'A' Wing, 2nd Floor,
MGP Building, Telangkhedi,
Civil Lines, Nagpur 440 001.
4. The Deputy Director,
Groundwater Surveys and Development Agency,
4th Floor, Vikas Bhavan, Adalat Road,
Aurangabad. **...RESPONDENTS**

APPEARANCE : Shri Ajay Deshpande, Advocate for
Applicant.
: Shri V.R.Bhumkar, Presenting
Officer for the respondents.

**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN
AND
SHRI VINAY KARGAONKAR, MEMBER (A)**

Date : 04-03-2024

ORAL ORDER

1. Heard Shri Ajay Deshpande, learned Counsel for the Applicant and Shri V.R.Bhumkar, learned Presenting Officer for the respondent authorities.

2. Present application is filed seeking condonation of delay which has occasioned in preferring the O.A. by the applicant. Applicant has filed the O.A. seeking following reliefs:

“A) The Original Application may kindly be allowed.

B) The respondents may kindly be directed to take appropriate action for correcting the seniority of the applicant, by giving the deemed date of promotion as 1.3.1978 in the cadre of Mechanical Surveyor, as well as further deemed date of promotion as 1.3.1983 to the post of Sectional Engineer.

C) The respondents may kindly be directed to extend the applicant benefits under Career Advancement Scheme, on completion of 12 years' service to the post of Sectional Engineer i.e. w.e.f. 1.3.1995 and second benefit w.e.f. 1.3.2007, upon 24 years' service as Sectional Engineer, to which he is entitled to under law.

D) Any other suitable and equitable relief to which applicant is entitled to, may kindly be granted in his favour.”

3. It is the contention of the applicant that the proposal in respect of deemed date of promotional post was under active consideration of the Government till the year 2018. Learned Counsel invited our attention to the correspondence, *inter se*, the Government and the Director, Groundwater Survey and Development Agency dated 10-10-2018. Learned Counsel submitted that the grievance raised by the applicant was under active consideration of the Government till the year 2018. Learned Counsel submitted that immediately thereafter before the applicant could file the O.A. CORONA Pandemic period started and applicant was prevented from approaching this Tribunal immediately thereafter. Learned Counsel further submitted that there was a positive proposal forwarded by in-charge of the office wherein the applicant was working and the Government must have considered the same.

4. Learned Counsel further submitted that so far as the reliefs claimed are concerned, since now the applicant has got retired he could get those benefits notionally, however, that may have impact of increase in the pension amount. Learned Counsel submitted that in committing the delay in approaching the Tribunal the applicant was not having any *mala fide* intention in his

mind and as is revealing from the contents of the M.A. as well as the O.A. the applicant was constantly taking follow up of the matter and pursuing the matter before the respondents and only after having waited for a long period and realizing that the Government is not taking any decision, the applicant has approached this Tribunal.

5. Learned Counsel further submitted that the delay caused is unintentional and for *bona fide* reasons. Learned Counsel submitted that the applicant retired in the year 2009, as such, if the application is allowed, the applicant will be entitled for all notional benefits. In the interest of justice, according to the learned Counsel the delay caused in filing the O.A. deserves to be condoned so that the applicant can prosecute his matter on merits.

6. Respondents have submitted the affidavit in reply opposing the submissions made on behalf of the applicant. In the affidavit in reply, respondents have taken a defense that the inordinate delay which has occasioned in approaching this Tribunal may not be condoned for want of any specific reason provided therefor by the applicant. Learned P.O. appearing for the said authorities submitted that though the delay is stated to be of the period of few

years, in fact having regard to the reliefs claimed in the O.A., the delay is more than 13 years. Learned P.O. further submitted that no sufficient and cogent reasons are provided by the applicant to explain the delay so occasioned. Learned P.O. in the circumstances prayed for dismissal of the M.A.

7. We have carefully considered the submissions made on behalf of the applicant as well as the respondents. We have also gone through the documents placed on record by the parties. It is not in dispute that the applicant retired on attaining the age of superannuation after office hours of 28-02-2009. The applicant is seeking the reliefs of the past period starting from 1978. It is the contention of the applicant that time and again he made representations with the concerned authorities and was following his request with the said authorities. Some such documents are also placed on record by the applicant.

8. Learned Counsel for the applicant pointed out that the respondents were considering the case of the applicant till the year 2018 and that is also stated to be one of the reasons by the applicant for not approaching the Tribunal. The applicant, however, has not placed on record

copies of the said representations made by him. The representations/applications which are filed on record are of the period 2017 onwards. The contention of the applicant that, he was waiting for the decision on the representation/appeal made by him with the concerned authorities and hence he did not approach this Tribunal also cannot be accepted. Making of repeated representations would not save the limitation for claiming the relief.

9. In Section 20 of the Administrative Tribunals Act, 1985 it is provided that if the representation or appeal is not decided by the authority concerned within the period of 6 months from the date on which such application or appeal is made, applicant is supposed to approach the Tribunal within the period of one year thereafter. Applicant has failed in approaching this Tribunal within time. The delay which has occasioned is inordinate. Reasons which are assigned are not sufficient for condoning the delay and to entertain the application in which the applicant is claiming reliefs from the year 1979. The claim is too stale to be entertained by the Tribunal. We are, therefore, not inclined to condone the inordinate delay occasioned in filing

the O.A. by the applicant. Hence, the following order is passed:

O R D E R

- [i] M.A.No.315/2021 is rejected.
- [ii] Consequently, O.A.St.No.1338/2021 stands disposed of.
- [iii] There shall be no order as to costs.

(VINAY KARGAONKAR)
MEMBER (A)

(P.R.BORA)
VICE CHAIRMAN

Place : Aurangabad
Date : 04-03-2024.