

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3609 OF 2014.

(SHETKARI SHIKSHAN SANSTHA WARORA...VS..EDUCATION OFFICER, ZP CHANDRAPUR & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : NOVEMBER 24, 2015.

Heard Shri P.N.Shende, advocate for the petitioner-employer and Shri M.M. Ekre, A.G.P. for the respondent No.1. None appears for the respondent No.2-employee, though served.

The petitioner-employer has challenged the order passed by the School Tribunal condoning delay of about one year and nine months in filing the appeal. According to the petitioner-employer, the respondent No.2-employee was arrested for the offence punishable under Section 498-A of the Indian Penal Code and was not attending the duties since August, 2000. According to the petitioner, the delay in filing the appeal is of more than five years and not of one year and nine months as contended by the respondent No.2.

The petitioner-employer did not appear before the Tribunal in spite of service of the notice. The petitioner had not filed any reply opposing the application filed by the respondent No.2 praying for condonation of delay.

In the facts of the present case, I am not inclined to interfere with the discretion exercised by the Tribunal specially when the petitioner has not been able to point out that the exercise of discretion by the Tribunal is perverse or illegal.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

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