

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.677 OF 2011

Maharashtra Employees State Insurance Scheme Medical Officers Association, Nagpur, Thr. its
Secretary -vs- State of Maharashtra, Finance Department, Thr. its Secretary & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri N. R. Saboo, Advocate for petitioner.
Shri Fulzele, AGP for respondent Nos.1 and 2.
Shri M.P. Pillai, Advocate for respondent No.3.

**CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.**

DATE : 03.02.2015.

Matter was dismissed for want of prosecution.
However, upon request made by Advocate Saboo
immediately it was restored and heard in second half.

Advocate Saboo submits that petitioner
sought review of a judgment delivered by MAT on
17/03/2010 in O.A.No.370 of 1999. There was delay
and hence separate application for its condonation was
moved. That application has not been appropriately
considered. Impugned order dated 15/10/2010 does
not evaluate all contentions and necessary law. He
invites attention to judgment of larger bench of
Administrative Tribunal reported at (1988) 7
Administrative Tribunal Cases 696 (P. Kandavel And

Others Vs. Director General, Posts And Telegraphs Department, New Delhi And Ors).

Advocate M.P. Pillai for respondent No.3 and learned AGP for respondent Nos.1 and 2 are opposing the petition. Impugned order shows that as Rule 18 of Maharashtra Administrative Tribunals (Procedure) Rules, 1988 does not contain any express provision for condonation of delay, it has been passed. Advocate Saboo has attempted to invite attention to provisions of Section 29(2) of Limitation Act and certain other judgments to buttress his submissions.

However, as we find impugned order dated 15/10/2010 not containing necessary application of mind, we do not find it necessary to delve more into controversy. All arguments raised by Advocate Saboo are kept open. Order dated 15/10/2010 passed on C.A.No.265 of 2010 in Review(St.) No.1064 of 2010 is hereby quashed and set aside. C.A.No.265 of 2010 is restored back to file for taking fresh decision after hearing all concerned.

Parties are directed to appear before MAT on 02/03/2015. Writ petition is thus partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE