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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION No.2934 OF 2014

Mr. Rupesh Rameschandra Rathod

....Petitioner

Vs.

***State of Maharashtra
through Secretary, Revenue and
Forest Department and Ors.***

....Respondents

Mr. Nitin P. Dalvi for the Petitioner

Mr. C.P. Yadav -AGP for Respondent Nos.1 to 4

***CORAM : V. M. KANADE &
M.S. SONAK, JJ.***

DATE : JULY 4, 2016

P.C. :

1. Heard the learned counsel appearing of behalf of the Petitioner and the learned AGP for the State.

2. The Petitioner's Original Application was dismissed by the Maharashtra Administrative Tribunal on the ground that the delay of 397 days in filing the original application was not properly explained.

3. The learned counsel for the Petitioner has invited our attention to paragraph Nos.6 to 10 of the Misc. Application filed by the Petitioner for condonation of the delay in Original Application. The Petitioner-Applicant therein has given sufficient explanation for the delay caused in approaching the MAT. The Applicant therein has stated that he was suffering from Acute lumber spoyndilisis with photo urticrea and went undergone for special treatment and the doctor had advised him to take bed rest and avoid strenuous work. The Applicant has annexed the copy of the Doctor's certificate to the application. He has also stated that he was suffering from financial difficulties and, therefore, could not immediately approach the Tribunal.

4. We are satisfied with the explanation given by the Petitioner/ Original Applicant. It is a settled position in law that if proper explanation is given, an application should be decided on merits and should not be dismissed mere on the technicalities. We, therefore, set aside the order passed by the Tribunal, dismissing the application for condonation of delay filed by the Applicant. Delay of 397 days is condoned for the reasons stated in paragraph nos. 6 to 10 of the Misc. Application filed by the Applicant in OA before the MAT. We, therefore, remand back the matter to the Maharashtra Administrative Tribunal

with a direction to hear and decide the application expeditiously, if possible, within a period of six months, on merits and in accordance with law. The writ petition is disposed of in the aforesaid terms.

M.S. SONAK, J.

V.M. KANADE, J.