

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6200 OF 2015**

Jaikumar S/o Govind Muley .. Petitioner

Vs.

The State of Maharashtra and Others .. Respondents

....
Mr. Hrishekesh Joshi Advocate for Petitioner
Mr. A.I. Patel AGP for Respondent-State
....

**CORAM : D.H.WAGHELA CHIEF JUSTICE &
SMT.V.K.TAHILRAMANI, J.**

DATE : FEBRUARY 17, 2016

ORDER [SMT. V.K.TAHILRAMANI, J.] :

1 Heard learned counsel for both sides. Rule. By consent, Rule is made returnable forthwith and petition is taken up for final hearing.

2 Being aggrieved by the order dated 8.7.2013 passed by the Maharashtra Administrative Tribunal Mumbai Bench in Misc. Application No. 220 of 2012, this writ petition has been

preferred.

3 The petitioner is a retired Professor. By order dated 27.2.2008, an amount of Rs.3,93,887/- was directed to be recovered from retiral benefits of the petitioner. Being aggrieved thereby, the petitioner preferred Original Application No. 825 of 2008 before the Maharashtra Administrative Tribunal Bench at Aurangabad. The said Original Application was dismissed by order dated 12.10.2009 on the ground of territorial jurisdiction. Thereafter, the petitioner filed Original Application before the Mumbai Bench. As there was delay in preferring the Original Application, he filed Misc. Application No. 220 of 2012 for condonation of delay in filing the Original Application No. 436 of 2012. The said application came to be rejected, hence, this writ petition.

4 The only ground given for the delay of about three years in preferring the Original Application was that the petitioner went in depression due to dismissal of the Original Application by the Maharashtra Administrative Tribunal Bench at Aurangabad. No other reason has been given by the

petitioner for the delay in preferring the Original Application before the Maharashtra Administrative Tribunal Mumbai Bench. The petitioner has also not produced any medical certificate before the Maharashtra Administrative Tribunal Mumbai to substantiate his claim that he was suffering from depression.

5 The sole reason given by the petitioner for the delay is that he came under depression. In this view of the matter, the Tribunal at Mumbai held that the petitioner was not vigilant in agitating his case and no satisfactory reasons have been given for condoning the delay. Looking to the above facts, no case is made out for interference. Writ petition is dismissed. Rule is discharged.

[SMT. V.K.TAHILRAMANI,J.]

[CHIEF JUSTICE]