

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5960 OF 2013

Mr. Makhdoom Bandagisab ShaikhPetitioner
V/s.

The State of Maharashtra,
Through Secretary,
Revenue Dept. and Ors.Respondent

Mr. N.V.Bandiwadekar i/by Mr. Sachin Chandan , Advocates
for Petitioner.

Mr. N.C.Walimbe, AGP for Respondent Nos.1 to 3-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : July 31, 2017.

ORAL JUDGMENT : [Per Smt. V.K.Tahilramani, J.]

Heard the learned counsel for the petitioner and
the learned APP for the State.

2 **Rule.** By consent, rule is made returnable
forthwith and the matter is heard finally.

3 The petitioner approached the Tribunal with the
prayer that the Tribunal should direct respondent no.2-
Commissioner, Konkan Bhavan to count or regularize the

period between 6.2.1989 to 13.12.1991 in the post of clerk to be treated for the purpose of seniority, increment, pension, etc. In other words, the petitioner was seeking relief that the aforesaid period be treated as if on duty and the said period should be regularized.

4 It is seen that the petitioner preferred a representation on 8.6.2011 contending that he ought not to have been reverted to the post of peon from the post of clerk and that the said reversion had given a break in service of the petitioner as a clerk during the period from 6.2.1989 to 13.12.1991. As the petitioner did not receive any reply to the representation, he preferred Original Application in the year 2011. As there was delay in preferring the Original Application, the petitioner preferred an application for condonation of delay in preferring the Original Application. The said application was preferred in January, 2012. The Tribunal observed that there was gross delay of 20 years in preferring the Original Application and no explanation was given as to why the said delay was occasioned observing thus, the application for condonation

of delay came to be dismissed.

5 From the above facts, it is seen that there was gross, inordinate delay and latches on the part of the petitioner. No reasonable explanation has been tendered for the said delay. Hence, we do not find any fault with the order of the Tribunal in refusing to condone the delay and dismissing the application for condonation of delay. Thus, we are not inclined to interfere. The Writ Petition is, accordingly, dismissed.

6 Rule is discharged.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)