

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2393 OF 2010

1. The State of Maharashtra
Through : The Chief Presenting Officer
M.A.T., Aurangabad.
2. The Director of Health Services,
M.S., Mumbai.
3. The Dy. Director of Health Services,
Pune Region, Pune.
4. The Dy. Director of Health Services,
Kolhapur Region, Kolhapur.

..PETITIONERS

-VERSUS-

1. Shrirang Ganesh Mudalgikar
Age : 67 years, Occ : Nil,
R/o C/o Laxman Dharnidhar Joshi
Waluj, Tq. Gangapur, Dist. Aurangabad.
2. The Chief Executive
Officer, Z.P., Kolhapur.
3. The Block Development Officer,
Panchayat Samiti, Radhanagari,
Dist. Kolhapur.
4. The Pay and Accounts Officer,
Mumbai.

..RESPONDENTS

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AGP for Petitioners : Mrs. V.S. Chaudhari
Advocate for respondent no.3 : Mr. V.C. Patil
holding for Mr. U.B. Bondar

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CORAM : S.S. SHINDE & S.M. GAVHANE, JJ.

Dated: April 18, 2018

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ORDER (PER S.S. SHINDE, J)

Heard.

2. Learned A.G.P. appearing for the petitioners submits that, the order passed by the Maharashtra Administrative Tribunal, which is impugned in this Petition, is passed without jurisdiction and without keeping in view the submission of the petitioners that, Respondent No.1 belatedly approached the Tribunal after 15 years from the alleged cause of action. It is submitted that, the Maharashtra Administrative Tribunal has not properly considered the submissions made by the petitioners and reached to the erroneous conclusion, and therefore, the Petition deserves to be allowed.

3. Though the respondent no.1 is served, none appears for him. We have carefully perused the impugned judgment and order. It appears that, the question of jurisdiction was not raised before the Maharashtra Administrative Tribunal by the

petitioners as it is apparent from the submission of the petitioner recorded in para 10 of the impugned judgment. Therefore, once the petitioners have subjected to the jurisdiction of Maharashtra Administrative Tribunal, it is now not open for the petitioners to contend that the Maharashtra Administrative Tribunal had no jurisdiction to entertain the Original Application and pass the impugned judgment and order.

4. The present Writ Petition is filed belatedly after 7 years from passing the impugned judgment and order. We have carefully perused the reasons stated in the Petition for belated filing of the Writ Petition, and we are of the opinion that, the delay of 7 years for filing Petition has not been explained. Apart from it, the findings of fact recorded by the Maharashtra Administrative Tribunal that, the applicant i.e. respondent no.1 herein, had rendered qualifying service of 11 years, 6 months and 23 days under the Public Health Department are in consonance with the material placed on record before the Maharashtra Administrative Tribunal.

5. For the reasons aforesaid, we are unable to persuade ourselves to grant any relief in favour of the petitioners. The Petition is devoid of any merits and the same stands rejected.

(S.M. GAVHANE, J.)

(S.S. SHINDE, J.)

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