

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

928 WRIT PETITION NO. 5325 OF 2018

MARUTI IRANNA GOVINDWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Joshi Sujeet D
AGP for Respondents/State : Mr. S.B.Yawalkar

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JUNE 7, 2018

O R D E R :

The petitioner had filed Original Application with an application for condonation of delay before the Maharashtra Administrative Tribunal. The delay was more than 12 years. The application is rejected.

2. Mr. Joshi, learned counsel for the petitioner submits that the departmental inquiry was conducted by an incompetent person. The petitioner was issued disproportionate punishment, even if it is assumed that the guilt was proved. Learned counsel submits that reasons are given by the petitioner. The petitioner

had preferred an appeal against the order of disciplinary authority. The appeal came to be dismissed. Thereafter the petitioner was under mental stress. All these grounds were pleaded by the petitioner, however, the Tribunal has failed to consider the same. All these aspects are required to be considered.

3. Learned AGP supports the order and submits that the delay is inordinate one. There cannot be any dispute with the proposition that normally the application for condonation of delay has to be liberally construed, however, the concept, "sufficient cause" cannot be stretched to such an extent that the said expression is rendered redundant.

4. The petitioner, upon conclusion of the departmental inquiry was removed from service on 31.12.1999. The petitioner preferred an appeal. The

appeal was dismissed on 15.5.2001 and Original Application is filed in the year 2013. The delay was more than 12 years. The only reason mentioned is about mental stress. Same cannot be accepted as sufficient cause for a period of 12 years. We would have considered the case of the petitioner, had the delay been not abnormal. The Tribunal has considered the said aspect of the matter and has exercised the discretion in not entertaining the application. The discretion cannot be said to be exercised in an unreasonable or arbitrary manner.

5. In the light of above, Writ Petition is dismissed. No costs.

[SUNIL K.KOTWAL, J.]

[S.V.GANGAPURWALA, J.]

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