

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

WRIT PETITION NO. 14314 OF 2017

Sunil Shivaji Sonawane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. Prakash V. Balkhande, Advocate for Petitioner.

Shri. P.S. Patil, Addl.G.P. for Respondent/State.

**CORAM : S.V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATED : 1st February, 2018**

PER COURT:

. The learned counsel for the petitioner submits that the original application filed by the petitioner along with application for condonation of delay is rejected without hearing the petitioner. No opportunity of hearing has been given. According to the learned advocate, the petitioner has worked for almost one year with the respondent. Without following due procedure the petitioner is terminated. The petitioner all along was

making representations and was under bonafide belief that the representations would be considered, as such, did not file the proceedings before the tribunal. The learned counsel submits that the matter pertains to the service of the petitioner. While considering the application for condonation of delay liberal approach may be taken.

2. Learned A.G.P. appears for respondents and submits that the tribunal has considered that no explanation is given.

3. We have considered the submission canvassed by the learned counsel for the respective parties.

4. It has been observed that, the delay is inordinate and has not been explained. In fact, no ground is stated for abnormal delay of 9 years. The ground put forth by the petitioner is that, he was making the representations and was expecting communication from the respondent. The petitioner is terminated w.e.f. 18.09.2006. The representations are said to be made up to the year 2010. Thereafter also no steps are taken. The representations would not extend the period of limitation. We would have considered the case of the petitioner had the delay been of a small duration. Moreover the Tribunal has also *prima facie* considered the

merits of the matter. The petitioner claims to be appointed upon oral order and terminated by order order. The petitioner does not possess appointment order.

5. Considering the abnormal delay of 3152 days and as no explanation much less a sufficient cause is put forthwith, the tribunal has not committed any error in rejecting the application.

6. The writ petition as such is dismissed. No costs.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]