

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

BENCH AT AURANGABAD.

WRIT PETITION NO.14545 OF 2017

Sunil Nathu Zope ... Petitioner.

Versus

The Union of India
and another. ... Respondents.

...
WITH
WRIT PETITION NO.14544 OF 2017
WRIT PETITION NO.14546 OF 2017
...

Mr.P.S.Gaikwad, advocate for the petitioners.
Mr.M.N.Navandar, advocate for Respondents.

...
**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 27.02.2018.

PER COURT :

1. The petitioners assail the order of the Central Administrative Tribunal, rejecting the applications for condonation of delay in filing Original Applications.

2. Mr.Gaikwad, learned counsel for the

petitioners submits that the Tribunal has taken a very hyper technical approach while rejecting the applications of the applicants for condonation of delay in filing the Original Applications. The applicants were casual labourers. The Respondents did not intimate the petitioners about their notification issued of the year 1998. It is only when the candidates were screened in 2011, the petitioners got the knowledge. It was duty of the Respondents to intimate the petitioners about the notification. Application was made under Right to Information Act and upon getting the information under the Right to Information Act, in the year 2011, the petitioners have taken steps to file the Original Applications before the Central Administrative Tribunal. The applicants were not to gain by delay. Learned advocate submits that the Apex Court in a case of "**Collector, Land Acquisition, Anantnag Vs. Mst.Katiji**" reported in **AIR 1987 Supreme Court 1353**, has held that each and every day's delay is not required to be explained.

3. Mr.Navandar, learned counsel for the

Respondents submits that it is the case of inordinate delay. The petitioners were casual labourers who have worked for 120 days or so. After five years even the record is not preserved. The appointment made in 2011 was pursuant to the orders passed by the Tribunal in Original Applications filed by those employees in the year 2004. According to the learned counsel, the Tribunal has rightly rejected the application for condonation of delay.

4. There can not be any debate with the proposition that the application for condonation of delay has to be liberally construed. The delay in the present matters is almost 13 years. It has also been observed that the Respondents preserve the record only for five years. The petitioners were working as Casual labourers prior to 1998 and since then are not in service with the Respondents. The scheme which was floated by the Respondents pursuant to the notification of the year 1998 required the labourers to apply to the Respondents and thereafter screening was to be done. The

petitioners did not respond to the notification. Some of the Casual labourers had filed Original Application in the year 2004 itself. The petitioners did not join with them. The Original Application filed by those persons in the year 2004 came to be allowed in the year 2010. These applicants filed Original Application in the year 2013. No convincing reason is stated for delay. The expression "*sufficient cause*" can not be stretched to an extent that the said phraseology itself would lose its efficacy. The practical difficulties also would arise about the record being available with the Respondents after such a long slumber of 20 years. The Tribunal has considered each and every aspect of the matter while considering the application for condonation of delay.

5. The discretion has been properly exercised by the Tribunal in rejecting the application.

6. Considering above, the Writ Petitions

are dismissed. No costs.

(A.M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

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