

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

9 WRIT PETITION NO.279 OF 2019

UDHAV BABANRAO ALIAS BABURAO PAVALE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Jeevan R. Patil, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 28th JANUARY, 2019.

PER COURT:-

1. The petitioner had filed Original Application before the Maharashtra Administrative Tribunal seeking absorption in the cadre of Civil Engineering Assistant. There was delay of 9 years 7 months and 15 days. The application for condonation of delay is rejected.

2. Mr. Patil, learned counsel for the petitioner submits that the other similarly situated persons have been given the benefit of absorption as they had filed original application in the year 2010. The directions were given by the Tribunal in their case to consider the case of other persons who had filed original application and further directed the respondents to take

decision on their proposal. The benefit was given by respondents to other persons. The petitioner could not approach the Tribunal at that time because of the financial difficulties. The petitioner had given representation in the year 2007. The same was not decided. The learned counsel submits that the petitioner is entitled for absorption.

3. The petitioner has already attained the age of superannuation and stands retired. The order of absorption cannot be passed after retirement of the petitioner. More over, the delay of 9 years 7 months and 15 days remain unexplained. The Tribunal has considered the ground put forth by the petitioner and was not convinced about the sufficient cause. The petitioner was in service till last year. As such, ground raised of financial difficulties cannot be accepted.

4. The Tribunal has not committed any error in passing the impugned order. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE