

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

WRIT PETITION NO.10517 OF 2018

Revaji s/o Dhondibhau Sonawane .. Petitioner

Vs.

The State of Maharashtra and ors. .. Respondents

Mr V.S. Wagh, Advocate for petitioner
Mr S.M. Ganachari, AGP for respondents no.1 to 3

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

DATE : 9th January, 2019

PER COURT

1. The original application is filed by the petitioner seeking appointment on the promotional post. So also the statutory benefit of two advanced increments. Alongwith original application, petitioner filed miscellaneous application for condonation of delay. The same is rejected.

2. Learned Counsel for the petitioner submits that petitioner was suffering from W.K. Psychosis and he was taking treatment at Jhalani Hospital, Ahmednagar for a period of one month and due to that he was not in a condition to move from one place to another. The petitioner produced copies of medical certificate also. However, the Court has taken a very technical approach and rejected the same. The petitioner had also filed representation.

3. The learned A.G.P. supports the order.

4. The petitioners stood retired w.e.f. 31.3.2008 and the original application is filed on 2017. The application for time bound

promotional scale pertains to much earlier date. The benefit was claimed by the petitioner after his retirement from service and only after rejection of the same, original application was filed after more than six years. The tribunal has considered the inordinate delay in filing the original application.

5. There cannot be any dispute with proposition of law that the application for delay shall be liberally construed. The reasoning of ailment was just about a month prior to retirement whereas the claim for time bound promotion would be much for earlier period.

6. The tribunal has considered the aspects of the matter and has given proper reasons. In view of that no case for interference is made out. Writ Petition is dismissed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)