

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3344 OF 2019

Suresh S/o Laxman Wadhai.

Vs.

Divisional Commissioner, Nagpur and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. S. Warulkar, Advocate for petitioner.

Shri H. D. Dube, Assistant Government Pleader for respondent no.1.

Ms. Shital V. Dhawas, Advocate h/f Shri A. P. Thakare, Advocate for
respondent no.2.

CORAM : A. S. CHANDURKAR, J.

DATE : NOVEMBER 29, 2019.

The petitioner is aggrieved by the order dated 22.06.2018 by which the Additional Commissioner has refused to condone delay about 17 years in filing an appeal under Rule 13 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

Heard Shri N. S. Warulkar, learned counsel for the petitioner, Shri H. D. Dube, learned Assistant Government Pleader for respondent no.1 and Ms. Shital V. Dhawas, learned counsel for respondent no.2. Perused documents on record.

By the order dated 05.05.2001 the Chief Executive Officer while directing recovery amount of Rs.12,477/- has withheld four annual increments on permanent basis. The petitioner continued in service even after that order and after period of about 17 years sought to challenge the same. It is found that there is no reason whatsoever given for the inordinate delay of 17 years. Since the petitioner continued in service and was

receiving his salary after 05.05.2001, I do not find any error in the order dated 22.06.2018 by which the Additional Commissioner has refused to condone delay of 17 years. The Writ Petition is therefore dismissed. No costs.

JUDGE

Sarkate