

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

Writ Petition No.6606/2018

(Keshav Bhimrao Madne Vs. Divisional Commissioner, Amravati Division, Amravati & others)

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

Court's or Judge's orders.

Mr. P.S.Patil, Advocate for the petitioner.
Mr.C.A.Lokhande, AGP for respondent no.1.
Mr. P.B.Patil, Advocate for respondent no.2.

CORAM : Manish Pitale, J.
DATED : March 11, 2019.

By this petition, the petitioner has challenged the order dated 23.07.2018 passed by respondent no.1- the Divisional Commissioner, Amravati Division, whereby an appeal filed by the petitioner under the Maharashtra Zilla Parishads District Services (Discipline & Appeal) Rules, 1964, has been rejected for being time-barred.

2. The impugned order in the present case is one line order and shows that there is no consideration at all of the reasons put-forth on behalf of the petitioner to explain the delay in filing the appeal before respondent no.1. The said appeal was filed by the petitioner before respondent no.1 to challenge the order of termination of service dated 24.12.2014 from the post of Gram Sevak. Along with the appeal, an application for condonation of delay was filed, wherein prayer was made for condonation of delay of three

years, three months and twenty four days in preferring the appeal.

3. The said application was made under proviso to Rule 16 of the aforesaid Rules, which provides that although the limitation period for filing such an appeal is three months, the appellate authority may entertain the appeal or revision, as the case may be, after the expiry of said period, if it is satisfied that the appellant or applicant had shown sufficient cause for not filing appeal within the period of limitation. In the present case, an application was indeed filed on behalf of the petitioner for condonation of delay before respondent no.1. But, the impugned order shows that there has been no consideration at all of the said application and the reasons given therein to explain the delay on behalf of the petitioner in challenging the order of respondent no.1.

4. Therefore, on this short ground, the impugned order is set aside and respondent no.1 is directed to consider the application for condonation of delay in filing the appeal filed on behalf of the petitioner and to dispose of the same by a reasoned order.

5. Writ Petition is disposed of in the above terms.

JUDGE