

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5602 OF 2018

Pushpa Sanjay Aaglave

..Petitioner

vs.

Ld. Divisional Commissioner, Pune & Ors. ..Respondent

.....

Mr. M. A. Patil i/b. A. P. Pawar, Advocate for Petitioner.

Ms. M. S. Bane, AGP for Respondent No.1 / State.

CORAM : C.V. BHADANG, J.

DATE : 17th JANUARY, 2020

P.C.

. Heard learned counsel for the petitioner and the learned AGP for the respondent No.1. The petition is taken up for final disposal by consent of the parties.

2. The petitioner who was working as a Anganwadi Sevika came to be terminated which order was challenged by the petitioner before the Chief Executive Officer (CEO) of the Zilla Parishad. The CEO Zilla Parishad refused to interfere with the order of termination and hence initially the petitioner approached the Commissioner, Women and Child Development under misconception. It appears that the petitioner had earlier approached this Court in Writ Petition No.10781/2014 which was withdrawn by the petitioner with liberty to approach the Commissioner, Pune Division, Pune. This Court disposed of said petition on 8/1/2016 granting liberty to the petitioner to approach the Commissioner, Pune Division, Pune after which the petitioner filed an Appeal bearing No.24/2017 before the Commissioner. Learned Commissioner by the impugned order dated

17/2/2017 has dismissed the appeal on the ground that it is filed after a period of two years and four months.

3. Learned counsel for the petitioner points out that there is a provision for condonation of delay under Rule 16 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964. Learned counsel points out that the petitioner had indeed filed an application on 20/5/2016 praying for condonation of delay of 118 days, in filing the revision application.

4. A bare perusal of the impugned order shows that the learned Commissioner has not considered the application for condonation of delay. It is therefore, appropriate that the learned Commissioner considers the application for condonation of delay on its own merits and in accordance with law.

5. In the result, the petition is partly allowed.

6. The impugned order is hereby set aside.

7. The application for condonation of delay is remitted back to the file of Commissioner, Pune Division, Pune for deciding it afresh on its own merits and in accordance with law.

8. The petitioner to remain present before the Commissioner, Pune Division, Pune on 27/1/2020.

9. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.