

JPP

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

WRIT PETITION NO. 1544 OF 2020

Chandrakant Yashwant Hargude

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Vaibhav Ugle for the Petitioner

Mr. R.S. Pawar, AGP for Respondents 1 to 4

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 18 FEBRUARY 2020.

P.C. :-

The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dated 11 October 2019 refusing to condone the delay of seven years in challenging the orders dated 13 September 2007 and 13 February 2008, whereby one increment of the Petitioner was stopped. Thereafter, the Petitioner superannuated from the service. The Tribunal rejected the application on the ground that there are no cogent reason given to explain the delay.

2. The learned Counsel for the Petitioner submits that the Petitioner had appeared in person before the Tribunal and therefore a lenient view be taken. It is not possible to do so. The delay of seven years on the face of it is gross. Cogent reason had to be given if the Tribunal had to exercise the power of condoning the delay. The application filed by the Petitioner is bereft of any particulars. The Petitioner was working as a Sub-Registrar, Alibaug and was charged with negligence of duty in respect of registration of agreement for sale. Working as a Sub-Registrar the Petitioner was not unaware of any legal procedure. Merely because the Petitioner appeared in person, he cannot be absolved from the duty to give reasons for the delay. In the circumstances, the judicial discretion used by the Tribunal cannot be called as perverse.

3. The Writ Petition is rejected.

M.S. KARNIK, J.

NITIN JAMDAR, J.

Jyoti P.
Pawar

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by Jyoti P.
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