

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

WRIT PETITION NO. 11100 OF 2021

Shaikh Mohammad Aminuddin
Shaikh Mohammad Bashiruddin

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Vishwas B. Wagh, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondents/State.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 05th October, 2021.

PER COURT:-

. Mr. Wagh, learned counsel for the petitioner submits that the Tribunal has not considered the sufficient cause put forth by the petitioner and has dismissed the Original Application on the ground of delay. The learned counsel submits that delay has to be liberally construed. The petitioner was never supplied with necessary information. The petitioner was not going to gain by delay. There is no deliberate delay. The seniority list was not published. Opportunity was not given to raise the objection. The petitioner had no knowledge of Mr. B. J. More being promoted. For all these grounds, delay has been caused.

2. The learned A.G.P supports the order of the Tribunal.
3. We have considered the submissions canvassed by the learned counsel for respective parties.
4. The Tribunal has observed that the petitioner claimed that he was entitled for promotion on the post of Technical Officer and had completed Hapur training during the period from 10.10.1983 to 09.12.1983. The petitioner had never approached respondents for inserting his name in the list of eligible candidates for appointment on the post of Technical Officer (Supply). Mr. B. J. More had completed the said training during the period from 25.05.1983 to 22.07.1983. He was senior to the petitioner and was promoted to the post of Technical Officer (Supply) in the year 1997. The petitioner did not challenge the same for 19 years. It is further observed by the Tribunal that the seniority list of eligible candidates for promotion on the post of Technical Officer (Supply) has been published in the year 2002, but the petitioner did not raise objection to the seniority list. The petitioner has also admitted that he learnt about the promotion given to Mr. More at the time of his retirement i.e. in the year 2004. The petitioner retired on 31.05.2004. Till the year 2012, the petitioner did not raise any grievance and representation for the first time was filed in the year 2012 and Original Application is filed in the year 2017.

5. No doubt, the aspect of delay has to be liberally construed, but it cannot be construed in a manner that the concept of sufficient cause would be rendered nugatory. It is a case of inordinate delay of 19 years. No sufficient cause exists. The Tribunal has rightly considered the same.

6. Writ petition, as such is dismissed. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.