

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 8118 OF 2022

Bhajandas S/o Jairam Kanhekar
Age : 67 years, Occupation : At present Nil,
R/o : Pethenagar, Nisarg Colony,
Plot No. 42, Bhavsingpura,
Taluka and District Aurangabad – 431 001

.. Petitioners

VERSUS

- 1] The State of Maharashtra,
Through its Principal Secretary,
Revenue and Forest Department,
Government of Maharashtra,
Mantralaya, Mumbai – 400 032.
- 2] The State of Maharashtra,
Through its Desk Officer,
Revenue and Forest Department,
Government of Maharashtra,
Mantralaya, Mumbai – 400 032.
- 3] The Divisional Commissioner Aurangabad,
Aurangabad Division,
Divisional Commissioner Office, Delhi Gate,
Taluka and District Aurangabad – 431 001.
- 4] The Deputy Commissioner, Supply Aurangabad,
Divisional Commissioner Office, Delhi Gate,
Taluka and District Aurangabad – 431 001.
- 5] The Collector, Aurangabad,
Collector Office, Aurangabad, Near Delhi Gate,
Taluka and District Aurangabad – 431 001.
- 6] The District Supply Officer, Aurangabad,
Collector Office, Aurangabad, Near Delhi Gate,
Taluka and District Aurangabad – 431 001
- 7] The Tahasildar Soygaon,
Soygaon Tahasildar Office,
Taluka Soygaon, District – Aurangabad – 423 105.
- 8] The Tahasildar Vaijapur,
Vaijapur Tahasildar Office,
Taluka Vaijapur,
District Aurangabad – 423 701.

.. Respondents

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Advocate for Petitioners : Mr. Magar Pankajkumar S.
AGP for the respondent – State : Mrs. M.A. Deshpande
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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 3 AUGUST 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

By way of present petition, the petitioner challenges the order dated 27-02-2017 passed by the Maharashtra Administrative Tribunal in Misc. Application no. 108 of 2016 which was filed by the petitioner seeking condonation of delay in filing the original application. By the said order, the learned Tribunal has refused to condone the delay of 23 years in filing the original application.

2. At the outset, we note that there is delay of 5 long years in filing the present petition in respect of the challenge to the order dated 27-02-2017, which has added premium to the delay in setting up challenge to the punishment of dismissal from service before the Tribunal.

3. The petitioner was visited with the penalty of dismissal from service vide order dated 19-06-1993 after holding departmental enquiry. In addition to the penalty of dismissal from service, it was also ordered that an amount of Rs.1,26,170=30 be recovered from the petitioner.

The petitioner approached the Tribunal by filing the original application no. 708 of 1993 challenging the dismissal order. However, he withdrew the same stating that he wanted to pursue remedy of filing the appeal. Accordingly, the petitioner filed appeal which came to be rejected vide order dated 20-04-1994. The petitioner, therefore, preferred revision petition and revising authority was pleased to dismiss the revision petition by order dated 08-02-1996. The revising authority, however, maintained only the penalty of dismissal from service setting aside the recovery that was ordered against the petitioner. The petitioner failed to take any steps after dismissal of his revision petition on 08-02-1996 and the orders passed by the Disciplinary Authority, Appellate Authority and Revising Authority attained finality.

4. Mr. Magar appearing for the petitioner submits that the petitioner did not approach the Tribunal after dismissal of his revision petition on account of pendency of criminal prosecution against him. He submits that petitioner came to be acquitted on 01-04-2014 in the criminal prosecution. However, even after his acquittal on 01-04-2014, it appears that the petitioner waited for a period of 2 years and filed original application only in the year 2016 seeking condonation of delay in setting up challenge to the orders passed by the Disciplinary Authority/Appellate Authority and the Revising Authority.

5. Learned advocate for the petitioner relies upon order dated 31-03-2015 passed by the Tribunal in Original Application no. 660 of 2003 (*Bhimrao S/o Gangaram Khandekar V. State of Maharashtra and others*) and submits that in the similar case, the Tribunal had condoned the delay. Even though the said order cannot bind us, on carefully going through the same, we find that in the said case, the appeal of the applicant therein was rejected on 10-09-2003 and he had immediately approached the Tribunal by filing the Original Application in the year 2003. However, in the instant case, despite rejection of the revision petition on 08-02-1996, the petitioner waited for a period of 20 long years in approaching the Tribunal in the year 2016. We therefore, do not find that the said order is of any assistance to the petitioner.

6. By order passed on 27-02-2017, the Tribunal has refused to condone the unduly long delay in filing the original application. Even otherwise, after the order was passed on 27-02-2017, the petitioner waited for about 5 years for filing the present petition.

7. We, therefore, do not find any infirmity in the order passed by the Tribunal.

8. The petition is dismissed.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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