

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

WRIT PETITION NO. 2060 OF 2022

Harishchandra Dagadu Yedage

...Petitioner

Vs.

Sinhgad Technical Education Society
through President & Ors.

...Respondents

Mr. Saurabh Pakale i/b. Adv. Shankar Katkar for Petitioner.
Mr. Nitin Dhumal for Respondent Nos. 1 & 2.

CORAM : SANDEEP V. MARNE, J.

DATED : 14TH DECEMBER, 2023

P.C.:

1. By this Petition, Petitioner challenges the judgment and order dated 26/07/2021 passed by Presiding Officer, Savitribai Phule, Pune, Shivaji and Solapur University and Collage Tribunal, Pune. By the impugned order, the Tribunal has refused to condone the delay of 341 days in filing the Appeal by the Petitioner.

2. There is no dispute that the services of the Petitioner have been terminated by order dated 03/10/2018. Thus, what is under challenge before the Tribunal is correctness of the decision of the Management to terminate the services of the Petitioner.

3. In such circumstances, the approach of the Tribunal ought to have slightly indulgent while deciding the Application for condonation of delay by considering the nature of grievance that is

sought to be raised by the Petitioner.

4. Another fact which ought to have been taken into consideration by the Tribunal is that the Petitioner made a representation to the Management for his reinstatement and received reply on 15/01/2019. This is one of the mitigating factors, which ought to have been considered by the Tribunal where the Petitioner expected the management to reinstate him without approaching the Tribunal.

5. Considering the nature of grievance that is raised by the Petitioner before the Tribunal, it is appropriate that same be decided on merits rather than rejecting the Appeal of the Petitioner on the ground of delay. The Petitioner has served with the Respondent-Management from 2009 till 2018 and is aggrieved by the decision of termination of service.

6. In my view, therefore, the Tribunal ought to have condoned the delay in filing the Appeal. The Petition is accordingly succeeds. The order dated 26/07/2021 passed by the University Tribunal is set aside. The delay in filing the Appeal by the Petitioner stands condoned. The Tribunal shall proceed to decide the Appeal on merits.

7. With above directions, the Writ Petition stands disposed of.

(SANDEEP V. MARNE, J.)