

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.3784 of 2019

Pushpa Manohar Jambhulkar

vs.

Union of India, through its Secretary, Ministry of Indian Railway, New Delhi and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A.Dhawas, Advocate with Shri K.R.Bhise, Advocate for petitioner.
Ms A.A.Athalye, Advocate for respondent nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 26th JUNE, 2023

Heard.

2. The challenge raised in the present writ petition is to the order dated 01.08.2018 passed by the Central Administrative Tribunal, Mumbai Bench, Camp at Nagpur refusing to condone the delay in raising a challenge to the communication dated 13.03.2008 issued by the respondent no.2 holding the petitioner not entitled to family pension.

3. After hearing the learned counsel for the parties and after perusing the documents on record, we find that in the application preferred by the petitioner seeking condonation of delay in approaching the Tribunal two reasons have been assigned. Firstly, the petitioner was admitted in hospital on 10.06.2009 and was discharged on 14.06.2009. Secondly, the mother of the petitioner expired on account of illness on 14.03.2014. The Tribunal considered these two grounds and found that the same were not sufficient to condone the delay of almost 2597 days, which is approximately seven years.

4. After perusing the relevant documents, we find that the Tribunal cannot be faulted for refusing to condone the delay since the hospitalization of the petitioner was for the period of four days only

and the petitioner's mother had expired in March, 2014. There is no action from June 2009 to at-least till the death of petitioner's mother on 14.03.2014. The proceedings in question came to be filed on 22.04.2015. Though the learned counsel for the petitioner submits that this Court should take sympathetic view of the matter, we find that in absence of any reason to conclude that the Tribunal was not justified in refusing to condone the delay, we cannot intervene in the matter.

5. For aforesaid reason, we find no merit in the writ petition. The same is therefore dismissed. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.