



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 8095 OF 2024

Bhimrao Bhagchand Jagdale

....Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

.....

Mr. S. K. Mathpati, Advocate for the Petitioner.

Mr. V. C. Patil, Advocate holding for Mr. U. B. Bondar, Advocate for Respondent Nos. 3 and 4.

Mr. K. B. Jadhavar, AGP for the State.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14th AUGUST, 2024.

PER COURT :

1. Petitioner has assailed order dated 01.09.2023 passed by the Divisional Commissioner, Aurangabad in DB/REV/Cell/10/23, by which, application seeking delay condonation in filing appeal under the provisions of Maharashtra Zilla Parishad District Services (Discipline & Appeal) Rules, 1964, has been rejected.

2. Learned counsel for Petitioner points out that order dated 13.07.2021 passed by Chief Executive Officer, Zilla Parishad was subject matter of appeal. Appeal was filed on 03.04.2023. applicant gave reason that the impugned order came to his knowledge on

18.01.2023 when his salary was refixed. It appears that the Petitioner is seeking to treat suspension period from 30.12.2011 to 10.05.2013 (496 days) as service period. Infact, the order imposing penalty against him has already been cancelled/set aside by learned Sub-Divisional Officer in the previous proceeding vide order dated 30.10.2017. In such a case, it is expected that the decision is rendered by the administrative authority on merit instead of going into technicalities. Although the explanation for delay is not for each day, however, it cannot be said that sufficient cause is not made out.

3. In that view of the matter, the impugned order cannot sustain in law and accordingly it is quashed and set aside. Appeal of the Petitioner be registered and decided on merit. Writ Petition stands disposed of in above terms.

(S. G. CHAPALGAONKAR)
Judge

dwb