



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO.1732 OF 2024

Dilip Jalbaji Bhagat

VERSUS

The State Of Maharashtra Through Its Principal Secretary And
Others

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Advocate for the Petitioner : Mr. U.L. Telgaonkar

AGP for Respondents: Mr. K B Jadhavar

Advocate for Respondents 4-10 : Mr. S.B. Pulkundwar

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 16, 2024

PER COURT :-

1. Heard.
2. By consent of the parties, matter is taken up for final disposal at admission stage.
3. Mr. Telgaonkar, learned advocate appearing for the petitioner submits that in a proceeding instituted under Rule 14 of the Maharashtra Zilla Parishads, District Services (Discipline and Appeal) Rules, 1964, (for short Rules of 1964) there was delay of 121 days. The petitioner has made out reason that he was unwell and, therefore, could not file appeal before the Divisional Commissioner within stipulated period.
4. It is true that the appellant could not explain day to day delay by putting explanation. However, considering days of delay and nature of the dispute, it was expected that liberal approach is adopted. The petitioner has not drawn benefit by

belated filing of appeal. If delay is not condoned, petitioner would suffer permanent loss without adjudication of his grievance on merit. It appears that learned Divisional Commissioner adopted hyper technical approach and refused to condone the delay of 121 days. Consequently, impugned order cannot be sustained in law and hence quashed and set aside. Delay caused in filing the appeal under Rule 14 of the Rules of 1964 is condoned. The learned Divisional Commissioner shall register the appeal and decide it on its own merits. Writ petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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