



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

WRIT PETITION NO. 7247 OF 2022

Ramesh Vishram Labade Vs. Principal Smt. L.R.T. Commerce College, Akola and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. D.M. Ailani, Advocate h/f Mr. M.S. Sarda, Advocate
for petitioner.

CORAM : N.R. BORKAR, J.

DATE : 22.08.2024.

This petition takes exception to the order dated 11.03.2021, passed by the University and College Tribunal, Nagpur in Miscellaneous Application No.09/2020.

2. The petitioner was working as a Clerk in the College run by respondent No.2. By the order dated 30.04.2018, he was compulsorily retired from service.

3. Against the order of compulsory retirement, the petitioner had filed the appeal before the Tribunal. By the order impugned, the Tribunal has rejected the application filed by the petitioner for condonation of delay of 580 days in filing the appeal.

4. I have heard the learned counsel for petitioner. Insite of service, none appears for respondents.

5. The learned counsel for the petitioner submits that during the relevant period, the wife of the petitioner was suffering from rheumatoid arthritis and was practically bed ridden. It is submitted that in support of the application, medical certificate was filed, however, the learned Tribunal has refused to condone the delay by doubting the genuineness of the medical certificate for no valid reasons. It is submitted that opportunity be granted to the petitioner to prosecute the appeal on merit.

6. It is well settled that the expression sufficient cause must receive a liberal construction so as to advance justice and generally delays in preferring appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bonafides is imputable to the party seeking condonation of delay.

7. I have perused the impugned order. In absence of any challenge before the Tribunal to the fact averred by the petitioner that during the relevant period, his wife was suffering from

rheumatoid arthritis and was practically bed ridden, the learned Tribunal ought not to have doubted the genuineness of the said fact.

8. The order impugned therefore, cannot be allowed to stand and the same is set aside. The delay is condoned. The petition is disposed of accordingly.

9. The University and College Tribunal shall decide the appeal filed by the present petitioner on its own merits.

(N.R. BORKAR, J.)