



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

WRIT PETITION NO. 3362 OF 2024

Suresh Panjabrao Giri

-- Petitioner

Vs.

State of Maharashtra & Others

-- Respondents

Mr. P.K. Mishra, Advocate for the Petitioner.

Ms N.P. Mehta, Additional Government Pleader for the Respondents.

CORAM : NITIN JAMDAR & NITIN W. SAMBRE, JJ.

DATE : 13 SEPTEMBER 2024.

P. C. :

Heard the learned counsel for the parties. Taken up for disposal.

2. The Petitioner had filed an Original Application before the Maharashtra Administrative Tribunal where there was a delay. According to the Petitioner, the delay was of only 23 months while according to the Respondents it was of 17 years. The Tribunal by an order dated 27 July 2020 allowed the application for condonation of delay filed by the Petitioner and condoned the delay in filing the Original Application. This order was challenged by the Respondent-State by filing Writ Petition no.4580 of 2022. The Division Bench observed that the Tribunal condoned the delay without examining the facts of the matter in detail and without applying the parameters required for considering condonation of

delay. The Division Bench accordingly disposed of the writ petition by order dated 13 July 2023 and remanded the proceedings.

3. By the impugned order dated 12 December 2023, the Tribunal rejected the application for condonation of delay stating that the High Court has already set aside the exercise of condonation of delay and that the Tribunal cannot take a different view.

4. Having gone through the orders passed by the Tribunal and this Court, according to us, the Tribunal, with respect, has missed the rationale on which this Court had remanded back the matter to the Tribunal. This Court, though interfered with the exercise of condonation of delay by the Tribunal, had not rejected the application for condonation of delay but had called upon the Tribunal to consider the facts of the case and then decide the application for condonation of delay afresh.

5. Since this exercise, as expected by this Court, was not carried out, we are again constrained to set aside the order of the Tribunal dated 12 December 2023 and restore Civil Application No.197 of 2020 in Original Application No.418 of 2020 to the file of the Maharashtra Administrative Tribunal. The Maharashtra Administrative Tribunal will accordingly proceed and decide the said application on its own merits.

6. The Writ Petition is accordingly disposed of. No costs.

[NITIN W. SAMBRE, J.]

[NITIN JAMDAR, J.]

APTE