



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6750 OF 2024

Govind Maroti Jadhav
VERSUS
The Chief Executive Officer

Mr. A. A. Phad, Advocate for Petitioner
Mr. V. C. Patil h/f Mr. U. B. Bondar, Advocate for Respondent

CORAM : R. M. JOSHI, J.

DATE : 01st April, 2025

PER COURT :-

1. This petition takes exception to the order dated 08.09.2020 passed by Additional Divisional Commissioner, Aurangabad in appeal filed by the petitioner under Section 13 and 14 of Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 placed over Zilla Parishad, Latur and rejection thereof.

2. Petitioner is an employee of Zilla Parishad. Enquiry was conducted against him. By order dated 27.05.2013, he was imposed with punishment of withholding of three increments permanently. This order was communicated to petitioner. Against this order, appeal is preferred on 08.09.2020 i.e., after 7 years of the imposition of the punishment. It is a case of

the petitioner before the Additional Divisional Commissioner that during relevant period his wife was suffering from cancer and unfortunately she died.

3. Learned counsel for Petitioner submits that considering the reasons mentioned in the application for condonation of delay, delay ought to have been condoned. According to him, in any case, the delay was required to be condoned even subject to imposition of some cost.

4. Learned counsel for the Respondent - Zilla Parishad opposed the petition.

5. There is no dispute about the fact that enquiry was conducted against the petitioner and he was imposed with punishment of withholding three increments permanently by order dated 27.05.2013. Though it is true that unfortunately wife of the petitioner died on 22.11.2013, however, for a period of about 7 years, thereafter petitioner has thought it not necessary to challenge the said order. There is no dispute about the fact that petitioner is in employment and even after the imposition of the punishment, he continued to serve himself with the Zilla Parishad. Perusal of the application indicates that except for the reason of unfortunate death of his wife dated 22.11.2013, there is no other reason/explanation provided for condonation of delay. It is settled

position of law that delay is satisfactorily explained, the same cannot be condoned. Moreover, stale claims cannot be entertained.

6. Having regard to these facts, this Court finds no perversity in the impugned order. Hence, petition stands dismissed.

(R. M. JOSHI, J.)

bsj