



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

WRIT PETITION NO. 2774/2024

(SANJAY GANPATRAO DHANORKAR **VERSUS** THE ADDITIONAL COMMISSIONER, NAGPUR
DIVISION & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Bhojraj Dhandale, counsel for the petitioner.
Ms M.S. Naik, Assistant Government Pleader for the respondent no.1.
Shri D.V. Mahajan, counsel for the respondent no.2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : SEPTEMBER 17, 2025

Heard the learned counsel for the parties.

2. The petitioner's challenge is to the order passed by the respondent no.1 rejecting the application for condonation of delay of 115 days in filing the appeal challenging the punishment imposed upon him.

3. The petitioner is a teacher working in a Zilla Parishad school and on account of certain allegations, departmental enquiry was conducted against the petitioner. Pursuant thereto, punishment was imposed upon the petitioner by order dated 02.11.2022 by which the petitioner was directed to be brought on basic pay-scale and his suspension period was directed to be treated as the suspension period. The petitioner challenged this order of imposition of punishment by filing an appeal before the respondent no.1. However, the same was filed after a delay of 115 days and therefore the petitioner filed an application for condonation of delay. In this application, the petitioner

mentioned that the delay occurred on account of health issues of his wife Varsha and has elaborately mentioned the ailment suffered by her alongwith details of the medical treatment taken from the doctors.

4. The respondent no.1 passed order dated 28.02.2024 on the petitioner's application for condonation of delay and by observing that there are no convincing reasons for condonation of delay, the application came to be rejected. The petitioner has challenged this order by way of the instant writ petition.

5. The learned counsel for the petitioner vehemently submitted that the petitioner is entitled to contest his appeal under Rule 13(1) (e) of the Maharashtra Zilla Parishads (Discipline and Appeal) Rules, 1964 on merits, however, on account of rejection of condonation of delay application he is deprived of his valuable right. He submitted that the reasons mentioned in the application constituted sufficient cause and the impugned order is thus unsustainable.

6. Opposing the writ petition, the learned counsel for the respondent no.2 and the learned Assistant Government Pleader for the respondent no.1 submitted that the misconduct against the petitioner is proved in view of the findings recorded in the enquiry and it is clear that the misconduct is serious in nature. It is also pointed out that the petitioner was not diligent in filing the appeal and there is no sufficient cause for condonation of delay and as such, they supported the impugned order.

7. It has to be seen that in the application for condonation of delay the petitioner has specifically mentioned the reasons of ill health of his wife Varsha and the details of her ailments are also stated. The documents of medical treatment of his wife are also filed on record and it is pointed out that the same were submitted even before the respondent no.1. The respondents have failed to point out anything to disbelieve the reason about the ill health issue of wife of the petitioner. The contentions of the respondents about findings of misconduct will be subject matter of appeal and the same cannot be a reason for refusing the application for condonation of delay.

8. Having regard to the reasons mentioned in the application for condonation of delay and considering the fact that the delay of 115 days is not inordinate, the same needs to be considered as a sufficient cause for condonation of delay. It has to be noted that filing of the appeal challenging the punishment is a valuable right of the petitioner and he cannot be deprived of the same only on account of delay of 115 days. The delay does not appear to be intentional and deliberate and the same needs to be condoned in the interest of justice. Having regard to the fact that the impugned order deprives the petitioner to contest the appeal on merits, it deserves to be quashed and set aside. As regards the inconvenience suffered by the parties, the petitioner can be directed to compensate by paying costs. As such, to meet the ends of justice, the writ petition needs to be allowed.

9. In view of aforesaid, the impugned order dated 28.02.2024 passed by the respondent no.1-Additional Commissioner, Nagpur is quashed and set aside. The application for condonation of delay in filing the appeal is hereby allowed subject to the payment of costs of Rs.10,000/- to be payable by the petitioner to the respondent no.2 within a period of fifteen days from the date of this order. On deposit of costs, the respondent no.1-Additional Commissioner, Nagpur is directed to expedite the hearing of the appeal on merits after giving an opportunity to all the necessary parties.
10. The writ petition is disposed of in aforesaid terms.

(PRAFULLA S. KHUBALKAR, J.)