

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.5517 OF 2013 IN
CIVIL APPLICATION NO.16972 OF 2010 IN
LETTERS PATENT APPEAL ST.NO.33250 OF 2010 IN
WRIT PETITION NO.3252 OF 1991

Mohan s/o Jagannath Salunke

Applicant

Versus

The State of Maharashtra & others

Respondents

Ms.V.H.Sangole, advocate holding for Mrs.M.A.Kulkarni, advocate for the applicant.

Mr.S.G.Karlekar, A.G.P. for Respondent No.1 & 2.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 09th July, 2015

PER COURT:

This is an application seeking condonation of delay of 29 days occurred in filing instant application for recalling the order dated 08.01.2013 dismissing the application for condonation of delay occurred in presenting Letters Patent Appeal, for want of prosecution.

Heard. For the reasons stated in the application, application deserves to be allowed and same is accordingly allowed. Delay of 29 days occurred in presenting the application for condonation of delay caused in presenting Letters Patent Appeal stands condoned. The order dated 08.01.2013, passed by this Court, dismissing the Civil Application for condonation of delay occurred in presenting Letters Patent Appeal, for want of prosecution, is recalled. Civil Application No.16972 of 2010 is

restored to file.

Civil Application is disposed of.

P.R.BORA
JUDGE

adb/ca551713

R.M.BORDE
JUDGE

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CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 09th July, 2015

PER COURT:

This is an application seeking condonation of delay of 250 days occurred in presenting the Letters Patent Appeal

Heard. For the reasons stated in the application, application deserves to be allowed and same is accordingly allowed. Delay of 250 days occurred in presenting the Letters Patent Appeal stands condoned.

Civil Application is disposed of.

**P.R.BORA
JUDGE**

**R.M.BORDE
JUDGE**

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Appellant

Versus

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Respondents

Ms.V.H.Sangole, advocate holding for Mrs.M.A.Kulkarni, advocate for the appellant.

Mr.S.G.Karlekar, A.G.P. for Respondent No.1 & 2.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 09th July, 2015

PER COURT:

1 The appellant raises exception to the order dated 08.01.2010, passed by the learned Single Judge in Writ Petition No.3253 of 1991.

2 The writ petition was directed against the order dated 29.03.1988, passed by the Chief Executive Officer, Zilla Parishad, Jalgaon, which has been confirmed by the appellate authority i.e. Divisional Commissioner, Nasik Division, Nasik, on 17.06.1991.

3 The appellant was a temporary employee of Zilla Parishad appointed on 01.07.1986. He was continued in employment from 21.12.1986 till 21.07.1987. In pursuance to the policy adopted by the State, services of the employees functioning with Zilla Parishad and appointed between 18.06.1983 to 17.02.1988, were directed to be regularized.

4 The petitioner has a grievance in respect of failure of Respondent-authorities i.e. the Zilla Parishad to extend him benefits of regularisation. It appears that as a result of pendency of a criminal case against the appellant, his request was not considered and as such, he remained out of employment from 1987 onwards. It is not a matter of dispute that the petitioner is out of employment since 1987 till this date.

5 The petitioner, as per his own admission, has attained age of 55 years. As such, considering peculiar facts and circumstances of the case, no interference is called for in the instant matter. Apart from this, view taken by the learned Single Judge is reasonable and proper and does not call for any

interference. Appeal is devoid of substance.

6 Letters Patent Appeal stands dismissed. Pending Civil
Application does not survive and stand disposed of.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE