

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.393 OF 2012
IN
WRIT PETITION NO.335 OF 2011**

Mr. Jagannath Mahipat Rana Applicant

In the matter between

M/s Goregaon Petrol Supply Co. Petitioners
& Anr.

Vs.

State of Maharashtra & Ors. Respondents

N.M. Ganguli, Advocate for the applicant.

Megha Chandra i/by Sanjay Gawde, Advocate for the respondent
(Original petitioner)

Mr. P.M. Palshikar, Advocate for respondent no.1. in WP No.335 of
2011.

Coram : Smt. R.P. SondurBaldota, J.

Date : 27th July, 2015

P.C.

1 This Notice of Motion is taken out by the workman, seeking
two reliefs. The first is for fixing up peremptory date of hearing of the
petition and the second is for direction to the employer to employ the

workman and give him wages at the current rates. The Notice of Motion is opposed by the employer.

2 The petition was filed and admitted in the year 2011 and stay of the impugned order was granted. No order of expeditious hearing of the petition was passed. There cannot be an order of fixing up peremptory date of hearing of the petition without the hearing being expedited. Besides, there are several other older matters pending for hearing.

4 The second relief sought by the workman cannot be granted for the simple reason that grant of such relief would amount to setting aside the order of stay granted at the time of admission of the petition. In the circumstances, the only order that can be passed in the Motion is of expeditious hearing of the petition. Hence, the Notice of Motion is disposed off by expediting the hearing of the petition. The office shall place the petition for final hearing on board, in due course, in the list of the expedited matters.

(Smt. R.P. SondurBaldota, J.)