

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

CIVIL APPLICATION NOS.1605/2015 AND 1606/2015
IN WRIT PETITION NO.2809 OF 2003

(Milind Manohar Deshpande vs. State of Maharashtra and others)

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

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : AUGUST 21, 2015

Heard Adv. Borkar for applicants/legal
heirs of original petitioner and Shri Rao, learned
Assistant Government Pleader for respondents.

The learned Assistant Government
Pleader is seeking time to file reply. However, we
find that in the original petition, petitioner Milind
had sought relief of regularisation in the cadre of
MES Class I (Junior) and protection to his
employment. His writ petition was initially admitted
by this Court and it was registered as Writ Petition
No.307/1990. It was transferred to Maharashtra

Administrative Tribunal where it was registered as Transfer Application No.201/1992 and it was decided against him on 17/7/2003. This adjudication by Maharashtra Administrative Tribunal is questioned in the present petition.

Petitioner Milind expired on 28/11/2007. His widow, however, continued to correspond with employer and State Government for release of terminal benefits, pension, etc. After she realised that an application needs to be filed before this Court, application for coming on record has been filed vide Civil Application No. 1606/2015 on 10/7/2015. Thus, there is delay of about 7 years and 7 months.

In this situation, though learned Assistant Government Pleader is strongly opposing condonation of delay and is seeking time to file reply, as we do not see any malafides, we reject his request. Accordingly, we condone the delay. Civil Application No.1605/2015 is accordingly allowed.

For the same reasons, Civil Application No.1606/2015 is also allowed and applicants therein, namely, Smt. Jayshree wd/o Milind Deshpande and

Rohan s/o Milind Deshpande are allowed to come on record as legal heirs of deceased petitioner. Necessary amendment be carried out within two weeks.

Liberty to respondents to file their reply, if any, within six weeks thereafter. The writ petition be thereafter placed on board for final hearing.

JUDGE

JUDGE

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