

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO.1855/2015 IN WRIT PETITION NO. 3074/1998 (D)
(DR.SURYA NATH PRASAD VERSUS NAGPUR UNIVERSITY, NAGPUR & OTHERS)

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

Court's or Judge's orders

Mrs.B.H. Dangre, G.P. for the applicant/R-4 & 5.
Petitioner/non-applicant in person.

CORAM : SMT. VASANTI A. NAIK AND
N.W. SAMBRE, JJ.

DATE : SEPTEMBER 22, 2015.

By this civil application, the applicants/respondent nos.4 and 5 seek extension of time by a period of four months for compliance of the judgment dated 05.02.2015.

It is stated on behalf of the applicants that the High Court had directed the applicants to fix the pay-scale of the petitioner in the post of the Reader in the pay-scale of Rs.3700-5700 with effect from 08.05.1987 and pay the benefits to the petitioner within a period of six months. It is stated on behalf of the applicants that by the said order, this Court had directed the applicants to consider the services of the petitioner in Madanmohan Malviya Degree College, Bhatpar Rani, Deori in Uttar Pradesh. It is stated that the applicants asked the original petitioner/non-applicant to supply the information whether the said college was on grant-in-aid and was affiliated to any university. It is stated that the original petitioner has, however, failed to supply the information to the applicants. It is stated that the applicants have sought the necessary information directly from the University Grants Commission. In the circumstances of the case, it is stated that it would not be possible for the applicants to comply with the judgment dated 05.02.2015 in the absence of any

material as aforestated. It is stated that the service book pertaining to the services of the original petitioner in the college in Uttar Pradesh also needs to be procured. The applicants have, in the circumstances stated hereinabove, sought the extension of time by a period of four months to comply with the order.

The prayer made in the application is strongly opposed by the petitioner, who appears in person. It is stated that the judgment dated 05.02.2015 is rendered after considering the case of the respective parties. It is stated that the facts involved in the writ petition were admitted and, hence, time may not be granted to the applicants to comply with the order.

On hearing the learned Government Pleader and the original petitioner in person, it appears that the prayer made in the application is required to be granted. The applicants have pointed out sufficient cause for not complying with the order dated 05.02.2015 within the time stipulated. It is stated in the application that the documents pertaining to the services of the original petitioner at Deori in Uttar Pradesh and the necessary information has not been supplied by the original petitioner till date and, therefore, the applicants are required to secure the same through the University Grants Commission. The original petitioner, who appears in person, has not disputed these facts. It is only canvassed that the writ petition was decided on merits and, hence, the extension should not be granted.

In the circumstances of the case, we allow the application and extend the time to comply with the order dated 05.02.2015 by a period of four months. The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE