

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

CIVIL APPLICATION (CAO) NO.1606 OF 2014

AND

MCA ST.NO.24117 OF 2014

IN

WRIT PETITION NO.6785 OF 2013 (D)

Mukunda Vitthalrao Khaire

..vs..

The State of Mah. and ors

with

CIVIL APPLICATION (CAO) NO.1607 OF 2014

AND

MCA ST.NO.24113 OF 2014

IN

WRIT PETITION NO.6783 OF 2013 (D)

Kishore Deorao Gawande

..vs..

The State of Mah. and ors

with

CIVIL APPLICATION (CAO) NO.1608 OF 2014

AND

MCA ST.NO.24115 OF 2014

IN

WRIT PETITION NO.6880 OF 2013 (D)

Shri Gopal Upadhye

..vs..

The State of Mah. and ors

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

Court's or Judge's order

Shri Y.S. Gorle, counsel for the applicants.
Shri T.R. Kankale, AGP for R-1 to 3.
Shri T.S. Kene, counsel for R-4.

CORAM

**: B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.**

DATE

: MARCH 02, 2015.

Heard learned counsel for the respective parties and with their consent we are passing the common order.

Writ Petition Nos.6785, 6783, and 6880 of 2013 were listed before this Court on 2.4.2014, and as nobody appeared when the matter was called out twice, all the writ petitions were dismissed for want of prosecution.

The applications for recalling of those orders and restoring of writ petitions have been filed vide MCA St. Nos.24117, 24113, and 24115 of 2014. As there was delay of 221 days in filing the misc. civil applications, respective civil applications have been filed for condoning that delay. Submission is, learned counsel of petitioners then suffered from Jaundice. His father also is a cancer patient and hence, the matters remained unattended.

Respective learned counsel for employer as also the State Government and its officers are strongly opposing the prayer for condoning the delay and restoring of writ petitions. They submit that applications are not supported by any medical certificate and delay is huge. In writ petitions, a stale cause is sought to be ventilated.

After hearing learned counsel, we find

that delay has been explained on his affidavit by learned counsel. His affidavit cannot be said to be false. All details of ill-health of himself and his father are given in it. There is no allegation of *mala fides* against any of the applicants. The propriety of cause on merits can be looked after writ petitions are restored. The grievance is in relation to wage fixation. As we do not find any *mala fide*, we condone the delay.

The civil applications for condonation of delay are disposed of.

Office to register the misc. civil applications for very same reasons.

After the misc. civil applications are registered, orders dated 2.4.2014 dismissing writ petitions shall stand withdrawn. The writ petitions be restored to its file. Respective counsel for the respondents waive notice after restoration.

WRIT PETITION NO.6785 OF 2013

and

WRIT PETITION NO.6783 OF 2013

and

WRIT PETITION NO.6880 OF 2013

List the writ petitions on 16.3.2015.

JUDGE

JUDGE

!! BRW !!

...../-