

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP/2633 OF 1992

906 WRIT PETITION NO.2633/1992

M/S KINETIC ENGINEERING LTD AHMEDNAGAR
VERSUS
ABHAY S/O PADMAKAR DEV AND ANOTHER

...
Advocate for Petitioner : Mr. V.S.Bedre

...
CORAM : P.R. BORA, J.
Dated: June 30, 2016

...
PER COURT :-

1. On perusal of the record of the case it is revealed that the present petition was dismissed against respondent no.1 on 8.10.2004. The record further reveals that the petitioner had filed Civil Application No.3063/2012 with a prayer for setting aside the dismissal order against respondent no.1 and to restore the writ petition against the said respondent no.1. On the said Civil Application notice was issued by this Court to respondent no.1. The record further reveals that the petitioner, however, failed to serve respondent no.1. On 19th of March, 2015, following order was passed by this Court in the aforesaid Civil application No.3063/2012.

" This is an application seeking condonation of delay caused in preferring an application for restoration of the writ petition against respondent no.1. There is an inordinate delay.

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

WP/2633 OF 1992

2. Issue notice to respondent no.1 only, returnable on 9th April, 2015.

3. Mr Bedre, learned Counsel appearing on behalf of the applicant undertakes to complete service on respondent no.1, before returnable date. In view of the fact that the matter is on final hearing board and is pending since 1992, failure to serve the said respondent within the stipulated time, shall result in dismissal of the present application, without further reference to the Court.

4 . In addition to above, the applicant is to liberty to serve the said respondent by alternate mode."

The record and the office remarks show that the petitioner did not take any step to serve respondent no.1 till this date. In the circumstances, Civil Application No.3063/2012 stands dismissed.

2. The net effect of the dismissal of said Civil Application is that the petition stands dismissed against said respondent no.1 in view of the order passed by this Court on 8.10.2004. The present petition is filed challenging the order passed by the Industrial Court, Ahmednagar, in Complaint (ULP) No.176/1989 whereby the present respondent no.1 was directed to be made permanent in his original post w.e.f. 24.5.1989 with all consequential benefits. In view of the

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3)

WP/2633 OF 1992

fact that the present petition has been dismissed against respondent no.1 and respondent no.2 is a formal party, there is no propriety in continuing the petition further. Hence, the following order:

ORDER

1) The Writ Petition stands dismissed. Rule discharged.

(P.R. BORA, J.)

...