

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

C.A.W.NO.790 OF 2016 IN WRIT PETITION NO.5345 OF 2015.

Prashant Mukundrao Andhale and anr.

..VS..

Union of India and ors.

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

Court's or Judge's orders

Mr.C.A.Joshi, Advocate for the applicants.
Mr.N.Lambat, Advocate for resp.2,3 and 4.

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

DATED : APRIL 20, 2016.

Petition is yet to be admitted. Petitioner no.1, who claims to be disabled, and his mother, as his guardian, have filed this petition. In the petition the notice has been issued and on 15th of March, 2016 this Court has passed an order when provisions of Rule 102 of Railway Pension Rules, 1968 were pointed out to it.

Today, the petition through this civil application invites attention to the fact that those Rules are no longer in force and 1993 Rules need to be looked into. There is also prayer to permit amendment to prayer clauses in the petition and order by which the petitioner no.1 was removed from service is sought to be quashed. Advocate Shri Lambat submits that in this situation as the cause of action itself changes, the petitioner should file fresh petition.

He is also seeking time to file appropriate reply-affidavit opposing prayer for amendment.

However, in the present facts, we do not find any substance in the objections being raised by Mr.Lambat on behalf of the respondents. Without prejudice to the rights of respondents to raise all defences as are available in law, we allow the application. Necessary amendment be carried out within one week. Respondents are at liberty to file their additional reply, if any, to the amended petition within further period of four weeks.

List the Writ Petition for admission on 15th of June, 2016.

JUDGE

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