

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

WRIT PETITION NO.3683 OF 2014.

(RASHTRIYA APANG ASSOCIATION, AMRAVATI..VS..REGIONAL DEPUTY COMMISSIONER & 3 OTH.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JANUARY 04, 2016.

Heard Shri P.S.Patil, advocate for the petitioner,
Shri V.N. Patre, advocate for the respondent No.3 and Ms S.S.
Jachak, A.G.P. for the respondent Nos. 1 and 2.

The submission on behalf of the petitioner-
employer is that the Regional Deputy Commissioner has
committed an error in condoning the delay of more than five
years and simultaneously allowing the appeal filed by the
respondent No.3-employee.

The petition raises arguable points.

RULE.

Shri Patil, learned advocate for the petitioner
states that other employee has been appointed in the post for
which the respondent No.3 has made claim and the
appointment of the employee subsequently appointed is as
per the procedure. If the appointment of the subsequently
appointed employee is as per the procedure he / she may be
continued. However, if the post is vacant it shall not be filled-
in without permission of this Court.

Accepting the statement made on behalf of the petitioner-management that some other employee has been appointed, it is directed that during pendency of the writ petition, the effect, operation and execution of the impugned order is stayed.

Shri V.N. Patre, advocate waives notice for the respondent No.3 and Ms S.S. Jachak, A.G.P. waives notice on behalf of the respondent Nos. 1 and 2.

C.A.W.NO. 2093/2014.

Filing of the true translation of the document in vernacular is dispensed with on the condition that the petitioner shall file the true translation as and when directed by this Court.

The Civil Application is allowed accordingly.

JUDGE

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