

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

**CIVIL APPLICATION (CAO) NO.1134 OF 2013
IN MCA ST. NO.8225 OF 2013 IN MCA NO.578 OF 2011 IN CAO NO.3556 OF
2007 IN MCA NO.333 OF 2008 IN WRIT PETITION NO.767 OF 1996**

(Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola ..vs.. Presiding Officer, Industrial Court, Amravati
and others)

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 : 10-06-2016

Heard Smt. U.A. Patil, Advocate for the applicant/original petitioner and Smt. R.D. Raskar, Advocate for the non-applicant/respondent Nos.2,12,13 & 17.

No one appears for the other non-applicants/respondents though served.

The applicant/petitioner had filed petition challenging order passed by the Industrial Court upholding the claim of the non-applicants/employees for regularisation of their services. The petition is dismissed for non-removal of office objections. According to the applicant/petitioner, there were several petitions and they were to be taken up for hearing in a bunch, however, Writ Petition No.767/1996 was not listed when other matters were taken up for hearing. It is submitted on behalf of the original petitioner that other petitions filed by the employer are allowed and order similar to the order challenged in Writ Petition No.767/1996

passed by the Industrial Court is set aside.

The learned Advocate for the non-applicant/respondent Nos.2,12,13 & 17, relying on the judgment given by this Court in the case of *Chandrakant Shrimantrao Patil ors. vs. Vikas Balaji Parsewar* reported in **2011(2) Bom.C.R. 628**, has opposed the application. It is submitted that the explanation given by the applicant/petitioner for delay in filing the application for restoration cannot be said to be sufficient ground on the basis of which inordinate delay can be condoned.

Accepting the reasons stated in the application and the facts of the case, the delay of 614 days in filing the application for restoration of miscellaneous civil application is condoned.

The Civil Application No.1134/2013 is allowed and Misc. Civil Application Stamp No.8225/2013 is restored.

Misc. Civil Application Stamp No.8225/2013.

For the reasons stated in the application and in view of the facts of the case, the order dated 17-08-2011 refusing registration of Civil Application Stamp No.10438/2011 is set aside and Civil Application Stamp No.10438/2011 is restored.

The Misc. Civil Application Stamp No.8225/2013 is allowed.

Civil Application Stamp No.10438/2011.

For the reasons stated in the application and in view of the facts of the case, the order passed by the learned Registrar on 09-09-2008 is set aside and Civil Application No.3556/2007 is restored.

The Civil Application Stamp No.10438/2011 is allowed.

Civil Application 3556/2007.

For the reasons stated in the application and in view of the facts of the case, the delay of about 900 days in filing the Misc. Civil Application Stamp No.17889/2006 for restoration of the writ petition is condoned.

The Civil Application No.3556/2007 is allowed.

Misc. Civil Application Stamp No.17889/2006.

For the reasons stated in the application and in view of the facts of the case, the orders dated 09-09-2004 and 16-09-2004 are recalled and Writ Petition No.767/1996 is restored.

The Misc. Civil Application Stamp No.17889/2006 is allowed.

Writ Petition No.767/1996.

Smt. R.D. Raskar, Advocate waives notice of writ petition on behalf of the respondent Nos.2,12, 13 & 17.

The office note shows that 'C' and 'D' files are destroyed. The petitioner shall supply the set of writ petition duly authenticated under the signature of Advocate of the petitioner, till 14-06-2016.

List the petition for hearing on 16-06-2016.

JUDGE

adgokar