

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAW) NO. 2635 OF 2015

IN

WRIT PETITION NO. 2759 OF 2014

Tirath Prasad Paul Vs. Union of India Ministry of Mines & Ors.

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

Court's or Judge's Order

Shri Rohit Deo ASGI for applicant/respondents.
Shri Mohd Jamee Khan Adv for non
applicant/petitioner.

**CORAM: SMT. VASANTI A. NAIK &
A. S. CHANDURKAR JJ.**

DATED: 02nd MARCH, 2016.

By this application, the applicant-Union of India seeks further time of three months to comply with the order of the High Court, dated 27.08.2015 in Writ Petition No. 2759 of 2015.

By the judgment dated 27.08.2015 in Writ Petition No. 2759 of 2015, this Court had allowed the Writ Petition filed by the original petitioner-non applicant and had declared that the original petitioner stood voluntarily retired from 15.01.2007. Since the process of computing the monetary retiral benefits takes some time due to technical difficulties we had directed the respondent-present applicant to release the retiral benefits in favour of the petitioner, as early as possible and positively within a period of four months. The order dated 27.08.2015 ought to have been complied within a period of

four months. When the time was about to expire on 26.12.2015, at the eleventh hour on 23.12.2015 an application was filed for grant of further period of three months for compliance of the order dated 27.08.2015. The present civil application was circulated for hearing on 15.01.2016 when this Court issued notice to the original petitioner-non applicant returnable on 29.01.2016. The matter was not listed before this Court on 29.01.2016 and matter was circulated for hearing today. Period of more than two months and 10 days has lapsed even from the date of filing of the application. The further time sought by the applicant for compliance of the order is only three months.

On a reading of the application, we find that the applicants have not shown any sufficient cause for not complying with the order dated 27.08.2015 within a period of four months or not challenging the same before the Hon'ble Supreme Court within the same time. The applicants could have surely challenged the order before the Honble Supreme Court within a period of four months but this was not done. In the application, it is stated that after receipt of the certified copy of the decision the same was communicated to the senior authorities of the applicant-department. In para 2 of the application, the delay in not complying with the order or approaching the Hon'ble Supreme Court against the same is explained thus:

“After the receipt of the certified copy of the order, the decision of the Hon'ble High Court was promptly communicated to the Senior authorities of respondent department. On perusal of the order, the authorities were in a flux as to whether to challenge the order before Hon'ble Supreme Court or to press for a review of the order before this Hon'ble High Court. Therefore the opinion of the concerned Ministry i.e. Ministry of Mines, New Delhi is sought by the Department. The respondent department has also sought the opinion of the ASGI Nagpur.”

The application is as vague as could be. There is neither any explanation for not complying with the order within a period of four months nor any explanation for not challenging the same before the Hon'ble Supreme Court within four months. The delay in restoring to either of the actions is not explained, much less satisfactorily. More over, a period of more than two months and 10 days has expired after the filing of the application when by the application time of three months is sought.

In the circumstances of the case we dismiss the application. The application stands disposed of accordingly.

JUDGE

JUDGE

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