

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

CIVIL APPLICATION Z No. 79 OF 2015

IN

LETTERS PATENT APPEAL NO. 116 OF 2006(d)

IN

WRIT PETITION No. 3029 OF 1998

Narendra Annaji Patle

-Vrs.-

The Sub Divisional Officer, Public Works Sub Division, Malegaon, Dist.
Washim.

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

Court's or Judge's orders.

Mrs. Deshpande, AGP for applicant/respondent.
Mr. A.S. Kilor, counsel for respondent/appellant.

CORAM : B.R. GAVAI AND P.N. DESHMUKH, JJ.

DATED : 25th JANUARY, 2016

The present civil application has been filed by the applicant for extension of period for compliance of the order passed by this court in LPA No. 116 of 2006 dated 12.6.2015.

Noticing that though vide the said order we had directed the appellant to be reinstated w.e.f. 1.7.2015, the said order was not complied with, we had issued notice to the Sub-Divisional Officer, Public Works Sub Division, Malegaon, District Washim, to remain present and also to show cause as to why action for contempt by not complying with the orders should not be taken against him. In response to the said notice issued by this Court, Shri Dinkar Vishwanathrao Nage, presently working as Sub Divisional Officer, Public Works Sub-Division, Malegaon, Dist Washim, is personally present in the Court. He has also filed

affidavit on behalf of respondent. He has stated in affidavit that he has taken immediate steps to comply with the order passed by this court but for want of sanction from the State Government the order could not be complied with within a stipulated period. He submits that the final power is with the State Government. He further stated that a proposal is already forwarded to the Superintending Engineer, Public Works Department, Akola and the same is pending with the State Government. He has also annexed a communication dated 19.1.2016 vide which the State Government has informed the Superintending Engineer, PWD, Akola to seek four weeks time to comply with the order. It is stated that for complying the order it is necessary to get approval of the General Administrative Department as well the Finance Department.

In that view of the matter, we accept the explanation given by the respondent and the show cause notice is discharged.

The application is allowed extending the period by four weeks from today. It is, however, made clear that no further time would be granted and if the order is not complied with within stipulated period, we will be constrained to summon the presence of the Secretary of the Public Works Department, the Secretary of the Finance Department and the Secretary of the General Administration Department.

Authenticated copy be supplied to the learned Assistant Govt. Pleader to act upon.

JUDGE

JUDGE

Hirekhan