

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

C.A. No. 664/2017 in M.C.A. St. No. 6135/2017

IN

Writ Petition No. 2857/2001 (D)

Dwijendra Nath Sen, Nagpur **V/s** The Chairman-cum-managing Director, Manganese Ore
(India) Ltd., a Govt. Undertaking, 3, Mount Road, Extension, Nagpur and others.

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

Court's or Judge's orders

Shri Tejas S. Deshpande, Advocate for Applicant.
Shri Samreen Datta, Advocate for Non-applicant.

CORAM : B.P.Dharmadhikari &
P.N. Deshmukh, JJ

DATED : 10/11/2017.

Prayer is to condone the delay of 306 days in filing application for review. One more application has been taken out i.e. Civil Application No. 782/2017 for placing additional documents on record.

This court has still not issue noticed in the matter.

It appears that judgment dated 15/04/2016 delivered in Writ Petition No. 2857/2001 was questioned. In S.L.P. No. 32500/2016. On 28/11/2016 the S.L.P. was allowed to be withdrawn with liberty to file review petition before this Court on the ground

of competency of Deputy General Manager, (Personnel) to impose punishment of dismissal. After this order dated 28/11/2016, review petition vide stamp No. 6135/2017 has been presented on 17/03/2017.

Civil Application No. 664/2017 has been taken out for condoning delay.

The main reason given for delay is of various ailments suffered by applicant who is a senior citizen. The application seeking condonation of delay after the leave granted by Hon'ble Apex Court on 28/11/2016 is not supported by any medical certificate.

However, in order to find out there is any merit in the prayer, we have heard learned counsel Shri Datta with Advocate Shri T.S. Deshpande.

Our attention is invited to additional documents sought to be presented vide C.A.O. No.782/2017, to show that as per schedule No. 2 (ii), General Manager has been shown to be the officer competent to impose such punishment.

Judgment delivered by us on 15/04/2016 shows that this situation underwent a change on 11/08/1995. We have considered this change in paragrapher-22 of the judgment. On that day, the Mines Manager, In-charge of mines had been constituted as Disciplinary Authority.

We, therefore, made enquiry to ascertain whether after 11/8/1995, again there has been any further amendment. No such amendment is pointed out to us. Not only this, correctness or validity of 11/8/1995 corrigendum also is not in dispute.

As such, we do not find any case made out to issue notice to other side. Proceedings are therefore dismissed. No costs.