

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 5054 OF 2017.****(Chhaganlal Sitaram Bhutada .vs. State of Maharashtra & others)**

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

Court's or Judge's orders

Mr. K.P. Kanugo, Advocate for petitioner,
Mr. S.M. Ghodeswar, A.G.P. for respondent nos. 1 to 4.

CORAM : B.P. DHARMADHIKARI & ARUN D. UPADHYE, JJ.

DATED : SEPTEMBER 27, 2017.

- 1] Heard the learned respective Counsel for the parties.
- 2] According to Mr. K.P. Kanugo, learned Advocate for petitioner, controversy is covered by judgment **dated 1.8.2012** delivered in **Writ Petition No. 2630/10 at Aurangabad**. He also points out that said judgment has been followed **at Nagpur on 25.7.2016 in Writ Petition No. 5647/15 and 6516/15**.
- 3] Mr. S.M. Ghodeswar, learned A.G.P. for respondent nos. 1 to 4, submits that though judgments delivered cannot be disputed, their applicability needs to be worked out and he is still awaiting instructions on facts. He submits that if facts in the case of present petitioner are different, said law may not apply. He is, therefore, seeking time of one week to make definite statement in this respect.
- 4] We find that the petitioner is about 84 years old and in this situation, the purpose can be achieved by directing the petitioner to appear before the respondent no.3 on 13.11.2017.
- 5] As pointed out by Mr. K.P. Kanugo, learned Advocate for petitioner and Mr. S.M. Ghodeswar, learned A.G.P. for respondent

nos. 1 to 4, on first day we permit representative of petitioner to contact said office. Office of respondent no.3 on that date can point out documents which need verification to said representative. If any documents are to be summoned from employer of petitioner, that arrangement can also be made on that date so that on next date when documents are made available by employer, petitioner can remain present and then facts can be ascertained.

6] With liberty to parties to work out necessary arrangement in this respect as per their desire, we direct respondent no.3 to complete verification in next six weeks and to pass suitable orders as per law within next two weeks.

7] With these directions, we dispose of the Writ Petition. No costs.

Judge

Judge

J.