

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**903 REVIEW APPLICATION (ST) NO.13638 OF 2018
IN
WRIT PETITION NO.14545 OF 2017**

SUNIL NATHU ZOPE ..PETITIONER

VERSUS

THE UNION OF INDIA AND ANOTHERS ..RESPONDENTS

**WITH
904 REVIEW APPLICATION(ST) NO.13646 OF 2018
WITH
WRIT PETITION NO.14544 OF 2017**

ARUN RAMBHAU PATIL ..PETITIONER

VERSUS

THE UNION OF INDIA AND ANOTHER ..RESPONDENTS

**WITH
905 REVIEW APPLICATION (ST) NO.13643 OF 2018
WITH
WRIT PETITION NO.14546 OF 2017**

BHIMRAJ TRYMABAK BORASE ..PETITIONER

VERSUS

THE UNION OF INDIA AND ANOTHER ..RESPONDENTS

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Mr. Amit S. Savale, Advocate for the Applicants.
Mr. S. B. Deshpande, ASG for Respondents-UOI.
Mr. M. N. Navandar, Advocate for Respondent No.2.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 13th JULY, 2018.

PER COURT:-

1. The applicants seeks review of the order passed by this Court in the writ petition, thereby dismissing the writ petition and confirming the order of the Central Administrative Tribunal rejecting the application for condonation of delay of 13 years in filing original application.

2. Mr. Savale, learned counsel for the applicants submits that, though, it appears that, the applicants approached the Tribunal after delay of 13 years. The judgment was delivered by the Tribunal in case of other similarly situated employees in the year 2012 and thereafter, the petition was filed. According to the learned counsel, employees similarly situated shall have to be treated equally and only because the present applicants did not approach the Tribunal within time, the relief may not be denied to them. The learned counsel relied on the judgment of Apex Court in the case of **Inder Pal yadav and Others V/s. Union Of India and Others** reported in (1985) 2 SCC 648.

3. While dismissing the writ petition, we had confirmed the judgment delivered by the Tribunal, thereby rejecting the application for condonation of delay in filing original application.

4. The delay was for an abnormal period of 13 years. The Tribunal while rejecting the application had considered various facets of the matter, in as much as, the practical difficulty which would arise was also considered. Tribunal observed that the applicant has not been in a position to show sufficient cause for not filing the original application earlier. The further practical difficulty that would arise is of the record and the proof with the respondents of the petitioner having actually worked. The Tribunal has considered that the applicants have created a false foundation for the case. The applicants tried to suggest that the applications have been filed within limitation period taking the initiative of respondents to absorb applicants in the group of earlier original applications of the year 2004. The facts in the case of **Inder Pal Yadav and Others** (*supra*) are altogether different. In those matters, all of them had preferred the petitions, however, in some of the petitions interim relief was granted, whereas in some interim orders were not granted as the applicants were already retrenched and in that context, it was suggested that, those who were not granted interim orders should not be put to disadvantage.

5. We had not entertained the petition on the ground that, the Tribunal has not committed any error in exercise of its jurisdiction while rejecting the application for condonation of delay

of almost 13 years.

6. In view of that, review applications are dismissed.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-18