

(1)

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

**CIVIL APPLICATION NO.12075 OF 2018
IN
WRIT PETITION NO.4500 OF 2014
WITH
CIVIL APPLICATION NO.12076 OF 2018**

Ravindra s/o Bhanudas Kakade,
Age: 58 years, Occu: Service,
R/o: Swapnapurti Building, Ulhas Nagar,
Taroda (Kh), Nanded, Tq. Nanded,
Dist. Nanded

..APPLICANT

VERSUS

The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya,
Mumbai & ors.

..RESPONDENTS

Mr S. M. Vibhute, Advocate for applicant;
Mr A. R. Kale, A.G.P. for respondent No.1;
Mr S. V. Adwant, Advocate for respondent Nos.2 to 4

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 28th September, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of respective parties.

2. The applicant is before this Court with a prayer to restore the writ petition filed by him, which has been dismissed in default for non removal of office objections.

(2)

3. It is submitted that in Writ Petition No.4500 of 2014, the Division Bench of this Court issued Rule by an order dated 22nd June, 2015. It is further submitted that a bunch of petitions were placed before this Court and a common order was passed in said bunch of petitions, dismissing this petition for default as the office objections were not removed. It is further submitted that the applicant/petitioner was not aware that there were certain office objections and even the Counsel for the petitioner was unable to keep track of the matter, as such, the dismissal order was passed.

4. It is also submitted that delay of 994 days caused in filing instant application seeking restoration is also for bona fide reasons, namely, the communication gap between the applicant/petitioner and the Counsel.

5. Though Mr Adwant, learned Counsel appearing on behalf of contesting respondent Nos.2 to 4 and learned Asstt. Govt. Pleader opposed the application, for the reasons stated in the application, the application is allowed. Writ Petition No.4500 of 2014 be restored to its file. Civil Application No.12075 of 2018 is disposed of accordingly. Learned Counsel for the applicant is permitted to remove office objections, if any, within a period of two weeks from today.

(3)

6. Civil Application No.12076 of 2018 be heard at the time of hearing of the writ petition.

7. We further state that in view of the latest judicial pronouncement by the Honourable the Apex Court in the matter of **Chairman & Managing Director, Food Corporation of India & ors. Vs. Jagdish Balaram Bahira & ors.**, reported in **(2017) 8 Supreme Court Cases 670**, we are not inclined to continue interim order dated 26th may, 2014, passed by this Court in present writ petition.

8. Learned counsel for the applicant/petitioner submits that there is apprehension in the mind of the applicant/petitioner that the employer may not process the papers as the applicant/petitioner is retiring on 29th September, 2018, on the ground that the petition is pending in this Court.

9. Mr Adwant, learned Counsel for respondent Nos.2 to 4, on instructions from the officers of the employer, who are personally present in this Court, submits that the pendency of the petition would not be a hurdle in processing the papers of the petitioner as he is retiring on 29th September, 2018.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

sjk