

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 283 OF 2003

Union of India through

The Secretary & ors.

...Petitioners

Vs.

Smt. Taibai Keru Bhalerao

...Respondent

.....

Mr. Suresh Kumar along with Ms. Mohinee Chougule, Advocate
for the petitioners.

None present for the respondent.

.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 1st FEBRUARY, 2018.

ORDER (PER M.S.KARNIK, J.) :-

Heard learned Counsel for the petitioners.

Shri Suresh Kumar appearing for the petitioner – Union of India
in all fairness submits that controversy involved in present
petition is similar to one that arises in W.P.No. 5201 of 2008. By
order dated 16th November, 2017 passed in W.P.No. 5201 of 2008

O.A. was remitted back to the Tribunal for a fresh decision on merits and in accordance with law. For the same reasons mentioned in W.P.No. 5201 of 2008, he submits that order passed by the Tribunal may be quashed and set aside and O.A. be remitted back to the Tribunal for a fresh decision on merits and in accordance with law. Hence, the following order :-

ORDER

- i) The impugned order passed by the Tribunal is quashed and set aside.
- ii) O.A.No. 1091 of 1999 is remitted back to the file of the Tribunal for a fresh decision on merits and in accordance with law.
- iii) All contentions on merits are kept open.
- iv) The Tribunal is requested to hear and decide the O.A. as expeditiously as possible and in any event, within a period of four months from today.

v) It is further requested that the Tribunal may hear O.A.No. 1091 of 1999 along with O.A.No. 117 of 2007.

2. The Writ Petition is accordingly disposed of.

3. Rule is partly made absolute with no order as to costs.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)