

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10901 OF 2018

Rohit Ramdas Ingale and others. ... Petitioners.

V/s.

The Union of India and others. ... Respondents.

Mr.Satish B. Talekar i/b. Talekar and Associate for the petitioners.
Mr.Neel Helekar with Mrs. Neeta V. Masurkar for the respondents.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 25th October 2018.

P.C.:

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents. Considering the narrow controversy raised in the petition, the same is forthwith taken up for final hearing. With a view to appreciate the controversy involved in the petition, it will be necessary to make a reference to the relevant part of the order of the Central Administrative Tribunal dated 4th April 2018. Paragraphs-2 to 5 of the said order read thus:

“2. It is submitted by the learned Advocates for the respondents that Review Petition No.06/2018 filed by the respondents arising out of the orders passed in group of WPs No.12117/2016 and Ors. by Hon'ble High Court of Bombay Bench at Aurangabad is allowed vide order dated 04.05.2018 and the WPs are restored to file for fresh consideration. The copy of order taken on record. It is stated that WPs are likely to come up for hearing soon.

3. In view of above, it will be better to await the decision in the WPs which are now restored to file for fresh hearing.

4. In view of above, these cases are adjourned to 31.07.2018.”

2. The result of this order is that the Original Applications in which the said order has been passed will not be heard till the disposal of a group of petitions i.e. Writ Petition No.12117/2016 and other connected petitions which are pending at the Bench at Aurangabad.

3. After having heard the learned counsel appearing for the parties, we find that no reasons have been assigned by the Tribunal for virtually staying the hearing of the Original Applications. According to us, there is no reason to postpone the hearing of the Original Applications till the pending writ petitions are decided.

4. Therefore, we dispose of this petition by passing the following order:

- (i) We hold that clause (3) of the order dated 4th April 2018 will not operate as stay of the proceedings of original applications in which the said order was passed and notwithstanding pendency of the writ petitions referred in paragraph-2 of the said order, the Central Administrative Tribunal shall proceed with the hearing of the said Original Applications;
- (ii) The petition is disposed of on the above terms.

(M.S.SONAK, J.)

(A.S.OKA, J.)