

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27154 OF 2008

ORDER:

This writ petition is filed seeking to declare the action of 2nd respondent in rejecting the application of the petitioner dated 28.11.2008, by order dated 8.12.2008 in P.W. Case No. 3 of 2007 on the file of the 2nd respondent, as illegal and arbitrary.

In this writ petition only review order is being challenged and the petitioner has not challenged the main order. Therefore, this Court cannot adjudicate the case in the absence of there being a challenge to the main order. However, petitioner is directed to challenge the main order before the appropriate Forum. Since the petitioner was pursuing the remedy in a wrong Forum, the period of pendency of this writ petition, shall not be put against the petitioner for the purpose of limitation.

Learned counsel for the petitioner contends that as per the statutory remedy, the petitioner has to file a case before the competent District Court, within a reasonable period of two months from the date of receipt of copy of this order and upon such case being filed before the competent District Court, the competent District Court, may be directed to consider the case of the petitioner and pass appropriate orders within a reasonable period of time.

Learned counsel for the 3rd respondent-workman has contended that many contesting employees have retired and some of them have expired also.

In view of the above, the competent District Court, shall dispose of the case, which is likely to be preferred by the petitioner

as expeditiously as possible, preferably within a period of six months from the date of filing of the case.

With these observations, the writ petition is disposed of. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:28.09.2018.
Gk.



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Date:28.09.2018

Gk.