

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11245 OF 2019
IN
WRIT PETITION NO. 6363 OF 2018

THE PROJECT OFFICER, INTEGRATED TRIBAL DEVELOPMENT
PROJECT, KINWAT AND ANOTHER
VERSUS

SC ST VJNT OBC AND SBC GOVT, SEMI GOVT EMPLOYEES
ASSOCIATION, THROUGH ITS REGIONAL CHIEF EXECUTIVE

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AGP for Applicants : Mr. P. S. Patil
Advocate for Respondent : Mr. V. A. Dhakne

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 13th SEPTEMBER, 2019

PER COURT:

1. The present application is filed for re-call of the bailable warrant issued to the present applicants.

2. The application filed on record is not explaining the reasons for not instructing the learned A.G.P. but gives an explanation that they were under the impression that as the affidavit is filed their presence is not at all necessary in the matter. We have not sought the presence of

these applicants for filing affidavit. Initially, the affidavit appears to have been filed on 14.08.2018. On 27.02.2019, the Secretary, Finance Department, Mantralaya Mumbai was added as a party. The learned A.G.P. waived service of notice for added party. Thereafter, the matter was consistently adjourned at the request of the learned A.G.P. on the ground that the instructions are to be received. The matter was adjourned on 27.03.2019 to 24.04.2019. On 24.04.2019 it was adjourned to 20.06.2019 at the request of the learned A.G.P. On 20.06.2019, at the request of the learned A.G.P. it was adjourned to 25.07.2019 as last chance. On 25.07.2019 also adjournment was sought by the learned A.G.P. On that day, the following order was passed -

"1....

2. In case instructions are not received or the matter is not worked on behalf of the respondents on the next date, then respondent Nos. 4 and 5 shall personally remain present in the Court.

3. Stand over to 05.09.2019."

3. On 05.09.2019 also the time was sought by the learned A.G.P. on the ground that instructions are

not received. Thereafter, on 05.09.2019, we passed the following order -

"The order dated 25th July, 2019 is not complied. We had passed the following order.

"1. On the last occasion, the matter was adjourned at the request of the learned AGP as a last chance. Today also, the learned AGP seeks time.

2. In case instructions are not received or the matter is not worked on behalf of the respondents on the next date, then respondent Nos. 4 and 5 shall personally remain present in the Court.

3. Stand over to 05.09.2019."

2. Today also the learned Addl.G.P. seeks time on the ground instructions are not received. The respondent Nos. 4 and 5 are also not personally present in the Court.

3. In view of the above, issue bailable warrant to respondent Nos. 4 and 5 in sum of Rs. 10,000/- (Rs. Ten Thousand only) each to secure their presence, returnable on 10.10.2019."

4. It is because of the consistent adjournment sought by the learned A.G.P. on the ground that the instructions are not received we were constrained to pass order issuing bailable warrant to respondents no. 4 and 5 in the writ petition to the present applicants.

5. Mr. Abhinav Sanjay Goyal, Project Officer, Integrated Tribal Development Project, Kinwat, District - Nanded and Mr. Vishal Prabhakar Rathod,

Project Officer, Integrated Tribal Development Project, Kalamnuri, District - Hingoli are present in the Court. Request is made to re-call the bailable warrant.

6. It is submitted that upon the instructions of these applicants the additional affidavit is filed by the State.

7. We are not convinced with the reasons given in the application, however considering that the applicants are the Government servants and have tendered their unconditional apology, we refrain from taking any further steps in the matter. We accept the unconditional apology tendered by the applicants. The order issuing bailable warrant against the present applicants is re-called.

8. The civil application stands disposed of accordingly.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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