

(1)

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

**CIVIL APPLICATION NO.14722 OF 2019
IN
WRIT PETITION NO.6539 OF 2018**

The Chief Engineer,
Distribution Latur Zone/
MSEDCL, Sali Galli,
Old Power House, Latur & ors.

..APPLICANTS

VERSUS

Indrajit s/o Shekappa Jamadar & ors.

..RESPONDENTS

Mr A. R. Salve, Advocate for applicants;
Mr A. S. Bayas, Advocate for respondent No.1;
Mr S. P. Sonpawale, A.G.P. for respondent Nos.2 & 3

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 17th January, 2020

ORAL ORDER:

The present application is moved by respondent Nos.3 to 5 in writ petition, seeking directions to respondent No.3 herein – Scheduled Tribe Caste Scrutiny Committee, Aurangabad Division, Aurangabad to decide the tribe claim of the petitioner, which is pending with the Committee since 26th July, 2013, within a period of three months.

2. This Court, on 27th June, 2018, while issuing notice to the respondents, directed not to take coercive action and thereby the petitioner was protected by granting interim relief.

(2)

3. We are surprised to note that the present application is being filed by the respondent Nos.3 to 5 in writ petition, who are the Chief, Engineer, Superintending Engineer and Executive Engineer. This Court can understand, if such application or such prayer is made by the petitioner, however, in this matter respondent Nos.3 to 5 in writ petition have approached this Court by way of present application. In the present civil application, there are no pleadings relating to what prejudice would be caused to respondent Nos.3 to 5 in writ petition, because of pendency of the tribe claim of the petitioner.

4. On a specific query, it is also informed by learned Counsel for respondent Nos.3 to 5 in writ petition that there are many employees, of whom the caste claims are pending, however, the present application is moved against the petitioner only.

5. We are not satisfied with the reasons given in the application. We can entertain such application at the behest of the petitioner, however, the other modes and remedies are available to respondent Nos.3 to 5 in writ petition, including filing a substantive writ petition for directions against the Scrutiny Committee, but in this case, such application cannot be entertained.

(3)

Accordingly, the present civil application is rejected.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

sjk