

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION***

WRIT PETITION NO. 5306 OF 2015

with

WRIT PETITION NO. 5308 OF 2015

with

WRIT PETITION NO. 5309 OF 2015

with

WRIT PETITION NO. 5310 OF 2015

Maharashtra Suraksha Rakshak Force
and General Kamgar Union

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. Dnyaneshwar Kale i/b. Avinash Belge for the Petitioner

Mr. S.R. Nargolkar i/b. Aumkar Joshi for Respondent Nos. 3 and 4
in WP 5306/15

Ms. Lata Desai i/b. Pallavi Divekar for Respondent No.2 in all
Petitions.

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 5 FEBRUARY 2020.

P.C. :-

Our attention is drawn to two orders passed by this
Court. The first order is dated 12 January 2017, which reads thus :-

“ It is stated by the President of the petitioner-Union, who has identified himself and is present in Court that he is aware of the statements made by the advocate appearing on behalf of the respondents, particularly on affidavit that the claims of certain security guards are bogus. In his presence, Mr. Pakale, learned advocate appearing for the petitioners states that in the light of such allegations, he does not wish to represent the petitioner-Union any longer. Mr. Pakale seeks leave to withdraw his and Mr. Belge's appearance. All this transpires in the presence of this President of the petitioner-Union and the Court also. He was also informed about the consequences in the event the position as reflected from the affidavit-in-reply and the records is correct. Despite all this, he maintains that the future of several security guards is at stake and he would like to prosecute the petition through some other advocate.

2 *Stand over to 27th January, 2017.”*

The second order is dated 27 January 2017, which reads thus :-

“The petitioner union was earlier informed by Mr. Pakale and Mr. Belge that they would no longer be interested in representing it, particularly after the affidavit in reply filed by the Board and taking a clear stand that some of the claims placed for registration were bogus as some of the particulars in some applications were false. The union's President was present earlier and even today. He is stating that it is true that all the records in these proceedings have been returned to the union and the union is contemplating engaging another advocate. A final opportunity be given to them so that they can engage an advocate and contest the stand of the Board by filing a rejoinder affidavit. In view of this specific request made today and as a last

chance so also not to cause any injustice, we grant this request and post the matter on 17th February, 2017 on the “Supplementary Board”.

2. We record the statement of Ms. Desai that the applicants were informed that they do not meet the requirement of the Act and the rules and therefore, these applications have been rejected.

3. In the event no arrangements are made to argue the matters on 17th February, 2017, each of these petitions would be dismissed for want of prosecution.”

2. In the order dated 27 January 2017, it is specifically stated that if no arrangements are made to argue the matters on the next date, the Petitions would be dismissed for non prosecution. No alternate arrangement has been made. The learned Counsel for the Petitioner states that he has no instructions to go on with the Petitions.

3. In view of the order already passed on 27 January 2017, the Petitions are dismissed for non prosecution.

M.S. KARNIK, J.

NITIN JAMDAR, J.