

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAO] No.1300 of 2019
in
Civil Application [MCA] St. No.1566 of 2016
in
Civil Application [CAO] No.950 of 2016
and
Civil Application [MCA] St.No.6572 of 2016
in
Civil Application [MCA] No.191 of 2016 (R)
and
Civil Application [CAO] St.No.1567 of 2016
and
Civil Application [MCA] St. No.1566 of 2016
in
Writ Petition No.2422 of 2013 (D)

Vijay s/o Mahadev Sadanshiv

vs.

The State of Maharashtra & others

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri M.V. Bute, Advocate for the Applicant/Petitioner.
Shri H.D. Dubey, A.G.P. for Respondent No.1.*

**CORAM : RAVINDRA V. GHUGE &
S.M. MODAK, JJ.**

DATE : 12th FEBRUARY, 2020

01] The original petitioner prays for condonation of 937 days delay caused in filing Civil Application No.1300/2019. This civil application is in sequence as it appears in the cause title since all earlier civil applications of the petitioners have been dismissed, either for non-removal of office objections or for not

taking steps or in default. We have heard the learned Advocate for the petitioner and have gone through the record available.

02] Considering that all these civil applications are filed for setting aside earlier orders and for seeking restoration of the civil applications and if one civil application is allowed, the case would progress to another civil application to be restored and there are about six such civil applications, which will have to be restored.

03] We inquired with the learned Advocate for the petitioners as to why was the writ petition filed. He has shown us the writ petition paper-book and we find that he had suffered an adverse order before the Labour Court vide judgment dated 28/03/2000 as his Complaint (ULP) No.115/1988 alleging termination, has been dismissed. He approached the Industrial Court in Revision Application (ULP) No.53/2000 and by judgment dated 23/02/2004, the department was directed to allot work to the petitioner, if it was available. The petition was filed being aggrieved by the said orders in 2013, when the department conveyed to the petitioner that he is 44 years of age

and he cannot be engaged on compassionate appointment.

04] We find that the petitioner is now 55 years of age and there is no scope for appointment on compassionate ground since he would be attaining the age of superannuation within three years.

05] In view of the above, as we are convinced that no purpose would be served if the writ petition is restored, both these civil applications stand rejected.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)

**sandesh*