

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

CIVIL APPLICATION (CAW) NO.2185 OF 2019

IN

WRIT PETITION NO.3101 OF 2017

(VITTHAL SHIVRAM TEKAM...VS.. ZILLA PARISHAD, BHANDARA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.C.R.Mishra, Advocate for Applicant/Petitioner.
Shri H.N.Verma, Advocate for Respondent Nos. 1 and 2.
Ms Shamsi Haider, A.G.P. for Respondent Nos.3 and 4.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 27, 2020.

The petitioner, by this application, seeks recall of the order dated 19th June 2019 by which relying on the submission made by the learned Advocate for the respondent Nos. 1 and 2, it is directed that the petition be listed before Division Bench for consideration. The learned Advocate for the petitioner states that the claim and challenge in the petition is based on the provisions of Section 2(o) (b) of the Industrial Disputes Act, 1947 and therefore, the petition is required to be heard and decided by learned single Judge. It is further submitted that the prayer clause (ii) of the petition does not require that the petition be placed before Division Bench inasmuch as except for the prayer clause, there are neither any pleadings nor any challenges in the body of the writ petition to support the prayer clause (ii).

The learned Advocate for the respondent Nos. 1 and 2 and the learned A.G.P. for respondent Nos. 3 and 4 submit that whether the petition will have to be considered by the Division Bench or Single Judge, can be considered by the Division Bench as per order dated 19th June 2019.

After considering the submissions and going through the order dated 19th June 2019, I find that there is no adjudication on the point whether the petition is required to be heard and decided by Division Bench or by Single Judge. In my view, it would be appropriate that the issue be considered by the Division Bench. Hence, no orders are required on this Civil Application.

The Civil Application is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

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