

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10772 of 2019

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the respondents are not implementing the order dated 08.09.2016 passed by the Tribunal in O.A.No.3363 of 2016. Since the said order passed by the Tribunal attained finality, the respondents are bound to implement the said order. However, without assigning any reasons, the respondents are not implementing the said order. He drawn the attention of this Court to the order dated 25.10.2018 passed by a Division Bench of this Court in W.P.No.30605 of 2018 and contended that the Division Bench of this Court considered the similar issue and directed the respondents therein to implement the order passed by the Tribunal within six weeks. Therefore, the counsel submits that appropriate orders be passed in the writ petition directing the respondents to implement the order dated 08.09.2016 passed by the Tribunal in O.A.No.3363 of 2016 within a reasonable period of time.

The Special Government Pleader appearing for the respondents submits that the Tribunal passed the orders in the year 2016 and the present writ petition is filed in the year 2019. The petitioner has approached this Court after nearly three years from the date of passing of the order by the Tribunal. Therefore, the writ petition is not maintainable and the same is liable to be dismissed on the ground of delay and laches.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the Division Bench of this Court in its orders in W.P.No.30605 of 2018 dated 25.10.2018, after considering the issue of delay, directed the respondents therein to implement the order passed by the Tribunal. When the Division Bench of this Court, after considering the issue of delay, directed the respondents therein to implement the order passed by the Tribunal, this Court is of the considered view that this writ petition can be disposed of directing the respondents to implement the order dated 08.09.2016 passed by the Tribunal in O.A.No.3363 of 2016 within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

08.01.2020
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