

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

1036 CIVIL APPLICATION NO.12336 OF 2021
IN WP/423/2021 WITH WP/423/2021 WITH CA/12337/2021 IN
WP/423/2021

THE DEPUTY ENGINEER

VERSUS

RAJENDRA DEVRAO JANJAL AND OTHERS

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Advocate for Applicant : Mr. Sangle Shirish G.

AGP for Respondents 1 to 3 & 6 in WP : Mr. P.K. Lakhotiya

Advocate for petitioner in Petitioner : Mr. D.R. Jayabhar

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : 23/11/2021.

PER COURT :

. The present civil applications are filed for recalling of the order dated 21st September 2021, issuing bailable warrant to the present applicants. We were constrained to issue bailable warrant to the applicants as though twice the notices were served upon applicants, they did not remain present and not responded to the notice of the Court.

2. Mr. Sangle, learned advocate for the applicants submits that the applicants are tendering unconditional apology for not honouring the notices of this Court and taking steps in the matter. According to the learned counsel, after the notice was served, on

1.3.2021 the respondent Nos. 4 in the writ petition viz. present applicant had sought approval for appointment of the advocate from the Legal Advisor. The applicant was granted permission to engage advocate, but the applicant i.e. Deputy Engineer Irrigation Department namely Yogesh Suresh Ghule got infected with Covid-19 virus, had to be admitted in the hospital and was on medical leave. The applicant was also holding additional charge and could not take steps as directed by respondent No. 4. The learned counsel submits that the unconditional apology tendered by the applicants be accepted.

3. The original respondent No. 4 in the writ petition i.e. Executive Engineer namely Dhananjay Maruti Godase has also tendered unconditional apology. It is stated that he was given additional charge of Assistant Chief Engineer of Water Resources Department. He was also on leave and was relieved on 30.9.2021 as he was transferred.

4. Mr. Sangle, learned counsel submits that both the applicants are present in the Court. We have heard Mr. Jaybhar, learned counsel for the petitioner.

5. In normal course we would not have issued bailable warrant to the respondents. We had earlier issued notice before admission, but the applicants did not appear. Thereafter we had re-issued notice of final disposal to applicants, still present applicants did not appear. In view of that, we were constrained to issue bailable warrant to these applicants.

6. Applicants have given reasons and have also tendered unconditional apology. Considering that these applicants are in service, we are not inclined to take further action against the present applicants. However, the applicants shall be diligent in future in attending the Court matters. Unconditional apology tendered by the applicants is accepted. In view of above, the order directing the issuance of bailable warrant to applicants stands recalled. Civil applications stand disposed of.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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