

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8053 OF 2019

Sharad S. Pente

.. Petitioner

vs.

Union of India & Anr.

.. Respondents

Dr. Uday Warunjikar, amicus curiae

Mr. Sharad S. Pente, party in person.

Mr. Neel Helekar i/b. Mr. Ashutosh R. Gole for the respondents.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

Date :- July 12, 2021.

PC :

1. By this petition, the petitioner-in-person has challenged the order dated January 31, 2019 passed by the Central Administrative Tribunal on Original Application no.304 of 2017:-

“ This is a part-heard matter.

2. When the case was called, the applicant was not present and this is necessary since he was appearing in person in this case. It is not possible to proceed with this matter without appropriate representation on the part of the applicant and it is evident that he is not interested in pursuing the matter.

3. The Original Application is, therefore, dismissed in default for non-prosecution. MA No.678/2017 also stands closed. No order as to costs.”

2. The petitioner-in-person has pointed that there was also a miscellaneous application which was pending.

3. Having heard Mr.Warunjikar, learned Amicus Curiae, Mr.Sharad S. Pente, Petitioner-in-person and Mr.Helekar for the respondents, we are of the opinion that the petitioner needs to be granted an opportunity of being heard on the original application.

4. We accordingly set aside the impugned order and restore the original application to the file of the Tribunal to be heard on merits. When the original application would be listed before the Tribunal, the petitioner shall pursue the same diligently.

5. All contentions of the parties are expressly kept open.

6. Disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)