

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

WRIT PETITION NO. 1647/2020

Balaji R. Prachand

..VS..

Union of India & ors.

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

Shri P. Gode, Advocate for the Petitioner(s)
Shri P.V. Navlani, Advocate for the Respondents

CORAM : DIPANKAR DATTA, C.J. &
AMIT BORKAR, J.
DATED : APRIL 18, 2022

P.C. :

1] The petitioner takes exception to the order dated June 19, 2019 passed by the Central Administrative Tribunal, Mumbai Bench, Circuit Bench at Nagpur, whereby his original application, being O.A. No. 2183/2017, was dismissed as time barred.

2] We have been invited to take note of the judgment and order dated December 07, 2021 of a co-ordinate Bench of this Court [of which one of us (Chief Justice) was a member] rendered in Writ Petition No. 668/2021 (Harishwar Ganpatrao Ganar vs. Union of India and others). Therein, a similar challenge as the one under consideration was involved and the

Bench, for the reasons assigned in such judgment and order, dismissed the writ petition and upheld the order of the Tribunal.

3] Having read the order dated December 07, 2021, we find no reason to take a different view. The present petitioner was a fence-sitter like the petitioner in Writ Petition No. 668/2021. Both of them approached the Tribunal only after drawing inspiration from grant of relief in favour of one D. Sivakumar. Since the petitioner was not diligently pursuing his cause before the Tribunal, we find no reason to hold that the Tribunal was not right in dismissing the original application as time barred.

4] There is no merit in the writ petition. The same stands dismissed without costs.

5] It is clarified, at the request of the learned advocate for the petitioner, that since the original application was dismissed on the ground of limitation, there has been no determination of the petitioner's claim on merits.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)