

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4458 OF 2004

The Union of India and Anr. ... Petitioners

Versus

B.T. Kukreja

(Since deceased through his LRs)

1) Smt. Anita B. Kukreja and Ors. ... Respondents

Mr.N.R. Prajapati i/b. Mr.T.C. Kaushik, Advocate for the Petitioners.

None for the Respondents.

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 30 August 2023.

P.C. :

Heard the learned counsel for the Petitioners. None for the Respondents.

2 The Petitioner–Union of India has challenged the order dated 17 December 2002 passed by Central Administrative Tribunal, Mumbai Bench, Mumbai holding that the Respondent was holding the post of Safety Officer in Indian Security Press, Nashik on regular basis since 14 September 1987. The Tribunal also observed that if the Respondent fulfilled the conditions laid down in the said Rules, he may be considered for the post of Senior Safety Officer.

3 The Tribunal, upon consideration of the material before it, has rendered a finding of fact that the services of the Respondent was continuous.

4 The Petition was filed in the year 2004. The Petition was dismissed by order dated 19 April 2005 since process charges were not paid. Thereafter, *vide* order dated 20 July 2007 the Petition was restored upon costs of Rs.5,000/-. Thereafter, the Petition was adjourned from time to time. On 11 April 2008, it was recorded that the Respondent has expired. Thereafter, the matter was again adjourned on various occasion to file application for bringing legal heirs of Respondent on record. Thereafter, the heirs have been served.

5 Having considered the impugned order which is based on a finding of fact as referred to above and that the Respondent is now no more, we are not inclined to interfere with the impugned order. The questions of law involved in the Petition are kept open to be considered in an appropriate case.

6 Writ Petition is accordingly disposed of. Rule discharged. No costs.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)