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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4548 OF 2024
IN WP/12547/2023

YADAV RAOSAHEB GHODKE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

.....Respondent

.....

Advocate for Applicant : Mr. Rudrawar Suresh Gangadharrao
AGP for Respondents: Mr. K.S. Patil.

CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.

DATE : 2ND MAY, 2024.

P.C. :-

Present petition has been filed for condonation of delay and restoring the writ petition by recalling the order dated 3.11.2023. The applicant is the original petitioner who had filed writ petition to challenge the impugned order dated 21.8.2023, withdrawing the permission granted to the petitioner ad canceling the pay fixation. Other reliefs were also claimed.

2. The petitioner had handed over communication in his handwriting and signed by him, to his advocate dated 30.6.2023 and it was placed before this court on 3.11.2023. On the basis of said communication, the writ petition was disposed of as withdrawn on

instructions.

3. Now, the petitioner/applicant submits that on oral assurance of the management he had withdrawn the petition, but now the management is not forwarding the proposal. It is to be noted that alleged oral statement/assurance was not before this court signed by the management, but reference of the same was in the letter EXHIBIT X on the basis of which the petitioner had withdrawn the petition.

4. It appears that now the applicant had made communication with the management on 10.1.2024. It is to be noted that the challenge in the petition was to the order passed by the respondent No.2 and there was no question of active involvement of the management in the same. Still, it appears that petitioner had made some settlement out of court; but then he had withdrawn the petition. Therefore, there is no question of recalling the order passed by this Court on 3.11.2023. Even if we consider that application deserves to be allowed to the extent of condonation of delay. In the said circumstance, the application stands rejected.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-