

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16049 OF 2022

Union of India, Through Secretary,
Ministry of Labour and
Employment) and Others. ... Petitioners

versus

D.B.Vyas ... Respondent

.....

None for the Petitioners.

Mr.K.S.Jadhav i/b. Mr. R.G.Panchal for the Respondent.

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

DATE : 19 OCTOBER 2023

P.C.:

On 9 August 2023, the following order was passed:

“ The learned Counsel for the Union of India states that the Tribunal in the impugned order has primarily relied on the order passed by the bench of the Central Administrative Tribunal, Calcutta in O.A. No. 566 of 2007 which is now the subject matter of Writ Petition No. 85 of 2010 in the High Court at Calcutta.

2. The learned Counsel submits that various interim orders have been passed and prays that the matter be heard by this Court to settle the legal issue raised in this Petition.

3. The learned Counsel for the Union of India accepts that as regard the order passed by the Tribunal at Calcutta, the Government by an administrative order has complied with the order. Therefore, before we proceed to do so, the learned Counsel for the Union of India seeks time to take instructions whether the Petitioner – Union of India would make necessary deposits in compliance with the impugned order. Thereupon, the request of the Union of India to take up the matter for hearing would be considered.

*4. Stand over to **30 August 2023**. To be placed under the caption “For Directions”.*

5. Ad-interim order to continue till the next date”.

2. Thereafter, on 30 August 2023, further order was passed :

“The learned Counsel for the Petitioners seeks further time to make a statement on the ground that the officers are not extending their co-operation. We direct the concerned officers to give necessary instructions to the learned Counsel so that statement can be made in the Court, failing which the Court will proceed to pass appropriate orders. The learned Counsel for the Petitioners states that this order will be brought to the notice of the concerned officers.

*2 Stand over to **14 September 2023**.*

3 Ad-interim order to continue till the next date”.

3. Then, on 14 September 2023, the following order was passed:

“On 30 August 2023 the following order is passed :

“The learned Counsel for the Petitioners seeks further time to make a statement on the ground that the officers are not extending their co-operation. We direct the concerned officers to give necessary instructions to the learned Counsel so that statement can be made in the Court, failing which the Court will proceed to pass appropriate orders. The learned Counsel for the Petitioners states that this order will be brought to the notice of the concerned officers.

2 Stand over to 14 September 2023.

3 Ad-interim order to continue till the next date.”

2 The learned counsel for the Petitioner-Union of India states that the Officer is present in the Court. On his instructions learned counsel states that final statement will be made on the next date.

3 Statement will be made on the next date without seeking any further time.

4 Stand over to 5 October 2023”.

4. Further, on 5 October 2023, it was directed that upon deposit of the amount, the Petition will be considered. None appears for the Petitioners. Nothing is placed on record regarding deposit.

5. The Writ Petition is dismissed for non-prosecution.

6. If any Application for restoration is made, it may be considered only upon the compliance of the earlier directions.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)