



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

CIVIL APPLICATION NO. 2517 OF 2023

IN

WRIT PETITION NO. 2118 OF 2023

(Dr. Dilip Kumar Merkap...Vs.... Ankush Shikshan Sanstha and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. N.Z. Mirza, counsel for petitioner,
Mr. P.C. Marpakwar, counsel for respondent Nos. 1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 26, 2024

Present application is taken up for recalling of the order dated 1.8.2023, passed by this Court, in Writ Petition No. 2118/2023.

2. It is the case of the respondents – Management, who are applicants herein that the directions issued in paragraph No. 5 of regular payment of monthly salary to the petitioner as was determined by the Grievance Committee is without considering the suppression of material facts by the petitioner – employee. According to the respondent-Management, petitioner was already transferred and has requested to join at the place of transfer.

3. As far as aforesaid issue is concerned, the fact remain that the Management has already approached before the learned Single Judge vide Writ Petition No. 294/2024 questioning the

order of the Grievance Committee and the learned Single Judge has not granted any interim relief in favour of the Management.

4. Apart from the above, the issue as to non-joining of petitioner at the transferred place has hardly any bearing over the merits of the matter, particularly, when the order of the Grievance Committee passed much prior to the order of transfer i.e. dated 15.10.2022.

5. As such, there is no substance in the application so as to grant relief of recalling of the order. The application accordingly stands rejected.

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The facts remains that the respondent – Management has questioned the order of the Grievance Committee before the learned Single Bench in Writ Petition No. 294/2024.

2. Learned counsel for respondent – Management submits that hearing of the present petition be deferred by two weeks, by way of last chance, so that the Management will be in a position to make concrete statement before this Court.

3. As such, adjourned to 19.3.2024, by way of last chance, with clear understanding that no further adjournment will be granted on the next date of hearing for whatsoever reason.

(ABHAY J. MANTRI, J.) (NITIN W. SAMBRE, J.)