



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

CIVIL APPLICATION (CAW) NO. 1082 OF 2025
IN
WRIT PETITION NO. 4621 OF 2023

Anil S/o. Tatya Kolhe

Vs.

Union of India, through Private Secretary for the Ministry of Defence, New Delhi & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. C.D. Wasade, Advocate for the Petitioner.

Mr. S.A. Chaudhari, Advocate for Respondent Nos.1 to 4.

Mr. Nitin Autkar, Assistant Government Pleader for Respondent Nos.5 & 6.

CORAM : NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 7th MAY, 2025.

P.C.

This Court passed a detailed reasoned order on April 15, 2025 and posted the matter for further consideration today.

2. An application duly sworn by the Works Manager on behalf of the respondent Nos.1 to 3 is moved seeking extension of time of additional eight weeks to enable the respondents to take suitable decision/further course of action on the order dated April 15, 2025.

3. The counsel appearing for the petitioner has strenuously opposed the said application stating that the respondents/Officers are in contempt of the orders of this Court.

4. He has invited our attention to the order passed by the Division Bench of this Court in Writ Petition No.7454/2017 decided on August 26, 2019. The directions issued by the Division Bench of this Court in the said order read thus:

“5. We find that the competent authority to decide the entitlement of the petitioner to get the certificate for resettlement is the respondent No. 4 – the Collector, Nagpur, who has already verified the claim and included the name of the petitioner in the list for providing employment. We find that this decision is in conformity with the provision of the Government Resolution dated 21.01.1980, more particularly Clause-A therein. The respondent Nos. 1 to 3 are the implementing agency of the decision. Once the petitioner is issued the certificate and his name is included for providing employment, obviously the son of the petitioner would be entitled to get an employment for the reason that the petitioner has though attained the age of superannuation, could not get the employment from the respondents for want of vacancy. Therefore, the name of the son of the petitioner needs to be substituted in the list for providing employment.

6. In the result, this writ petition is allowed. The name of the son of the petitioner i.e. Anil s/o. Taty Kolhe be included in place of the petitioner who has attained the age of superannuation and could not get the employment. If the vacancies are available, the respondent Nos.1 to 3 can only implement the list of eligible candidates without raising any objection.”

5. It appears that the respondent Nos.1 to 3 have chosen to question the legality of the said order before the Apex Court through SLP No.1657/2021 (*Union of India and others Vs. T.P. Kolhe*). The said SLP is informed to have been dismissed on February 10, 2021.

6. As a sequel of above, what was expected of the respondent Nos.1 to 3 was to implement the order dated August 26, 2019 delivered in Writ Petition No.7454/2017 in its true letter and

spirit. It appears that the respondents instead of implementing the said order have chosen to sit tight over the issue and as such the petitioner has approached this Court again in the present writ petition in which we have issued directions to grant employment to the petitioner *vide* order dated April 15, 2025. Instead of complying the order of this Court dated April 15, 2025 and the earlier order delivered in Writ Petition No.7454/2017 decided on August 26, 2019 against which the SLP of the respondent Nos.1 to 3 was dismissed on February 10, 2021 as referred above, the respondents have referred the matter to the Chairman and Managing Director and are seeking time to take appropriate steps in the matter.

7. Even today also the respondent Nos.1 to 3 are non-committal before this Court in the matter of consideration of the candidature of the petitioner for grant of employment as a Project Affected Person.

8. The fact remains that the respondent Nos.1 to 3 have nothing to lose in the matter as they are contesting the litigation at the cost of the public exchequer and sitting tight over the matter since 2017 in the matter of grant of employment to a Project Affected Person.

9. Rightly so, the counsel appearing for the petitioner has invited our attention to the order of this Court dated July 15, 2024 wherein this Court has suggested the respondent No.3 to explore the possibility of giving temporary appointment order to the petitioner. Even the said order dated July 15, 2024 till this date is not complied with leave apart the last order dated April 15, 2025.

10. That being so, we see no reason to grant the prayer made in the application seeking extension.

11. The application accordingly stands rejected.

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12. In view of the assurance given by Mr. Chaudhari that the matter shall be looked into at a higher level, we post the matter to 09.05.2025.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar