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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO.13366/2015
IN
PUBLIC INTEREST LITIGATION NO.18/2011**

Shri Saibaba Sansthan Karmachari
Sanghtana at Shirdi Tq.Rahata
Dist.Ahmednagar..

...Applicant..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri V.D. Hon, Senior Advocate i/b Shri V.B. Jadhav,
Advocate for applicant.

Shri S.B. Yawalkar, AGP for respondent no.1.

Shri S.B. Talekar, Advocate h/f Shri K.M. Nagarkar,
Advocate for respondent nos.19 & 20.

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**CORAM: A.B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE: 16.10.2015

ORDER :

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1] Heard learned counsel for the rival parties.

2] Shri S.B. Talekar, learned counsel for the respondent nos.19 & 20 vehemently opposed the application for making ex-gratia payment to the employees.

3] We have perused the repeated orders made by this Court right from the year 2012.

4] Learned counsel Shri Talekar points out that the Government did not file effective reply though last order dated 13.10.2014 expected so. We do not want to go into the submissions on merits made by Advocate Shri Talekar since we think that we should not digress from the situation namely the orders passed every year by this Court right from 2012. True it is that there is no resolution passed by the Board of Trustees, but then subject to such resolution being passed, the order can be made in the same manner as was done for the last four years.

5] Shri Talekar also raised an objection that this being a PIL, the issue about the service matter cannot be raised and entertained in this PIL. As stated earlier, the PIL was pending right from 2011 and no objection was raised at that time. Not only this, but the Court made

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orders in PIL preventing any expenditure without permission from this Court and, therefore, unless the applications are entertained, the respondent no.2 – Sansthan would not be able to spend a single pie without the orders of this Court in this PIL and, therefore, the objection is not accepted.

6] We, therefore, permit the respondent no.2 – Sansthan to disburse the amount of Rs.6,75,00,000/- provisionally, and as an interim order, to the members of the applicant as ex-gratia payment for 2015 Diwali Festival and the same would be subject to the further decision in Civil Application No.13284/2013. If the Court finds that the amount could not have been paid or less amount should have been paid, the direction, to recover that amount or to adjust that amount from the salaries of members of the applicant being paid, can be issued.

7] In our opinion, the PIL is pending since 2011 and every year on the strength of interim orders, the expenditure and payments are being disbursed from the income of the respondent no.2 – Sansthan. This cannot be allowed to go on *ad infinitum* and, therefore, we

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direct that this PIL be placed for final hearing after ensuing Diwali vacation. Civil application is accordingly disposed of.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)