

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4058 OF 2015

Basavraj Gurulingappa Navale .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Basavraj Gurulingappa Navale - petitioner-in-person
Mr. C. P. Yadav, AGP for the State.

CORAM:-ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.
DATED : -06/08/2015

ORAL ORDER:-(Per V. L. Achliya, J.)

Heard.

2 Rule, returnable forthwith. By consent of the parties,
taken up for final disposal at the stage of admission.

3 In nutshell, it is the grievance of the petitioner that he
was appointed as 'Ombudsman' to serve during the period
01/03/2011 to 28/02/2013, in accordance with the order issued u/s
27(1) of the National Rural Employment Guarantee Act, 2005 as a

mechanism to redress the grievances relating to the implementation of National Rural Employment Guarantee Act and Scheme framed thereunder. He has submitted his claim, pursuant to the work he has discharged within the prescribed proforma. However, respondent No. 1 has not settled the claim and offered to pay Rs.1,51,380/- only as against his claim of Rs.6,81,380/- He has further claim that he is entitled to be continued to work as 'Ombudsman' till the Government appoints someone else, to hold the office of 'Ombudsman' and claimed the direction against respondents to continue him on said post..

4 The challenges raised in the petition, basically refers to the dues of the petitioner towards the work he has discharged as 'Ombudsman'. In our view, this dispute regarding the claim of the petitioner cannot be adjudicated in exercise of the writ jurisdiction by this Court. So far as the relief claimed by the petitioner that he should be continued on the said post, cannot be entertained for the sole reason that the appointment of the petitioner was not made on any civil post but was an appointment made for a specific period to discharge the obligations under the said Act. In our view, the

grievance of the petitioner as regards the amount against respondents can be redressed by directing the petitioner to make an exhaustive representation supported by documents in addition to the representation in addition to already made before the authority, with a further direction to the authority concerned to look into the representation of the petitioner and take appropriate decision in the matter. We accordingly direct the petitioner to make an appropriate representation along with the supporting documents in addition to the representation already made. The respondents are directed that, if petitioner makes any representation then same be decided as expeditiously as possible, preferably within a period of three months from the date of this order.

6 All points raised by both sides are kept open for raising the same before the appropriate authority. The petitioner is granted liberty to get the cheque of Rs.1,51,380/- bearing No. 000430 dated 5/6/2015 issued by respondents in favour of petitioner encashed without prejudice to his right and contention, as regards the exact amount, which he is entitled to receive from the respondents.

7 With this order and direction, the writ petition is
disposed of, with no order as to costs. Rule disposed of in above
terms.

9 The parties to act on the basis of authenticated copy of
this Order.

(V. L. ACHLIYA, J.)

(ANOOP V. MOHTA, J.)

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