

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

CIVIL APPLICATION(W) NO. 413/2015

IN

WRIT PETITION NO. 3422 /1999 (D)

(Smt.Lonabai w/o Ganpat Govardhan vs. The State of Maharashtra and
others)

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

Court's or Judge's order

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Mr. N.A. Vyawahare, Adv. for petitioner/applicant
Mr.N.S.Rao, Asst. Government Pleader for respondent-State
Mr.Mohit Khajanchi, Adv.for Respondent no.5

**CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.**

DATED : 17th April, 2015.

Heard.

By this Civil Application, the applicant seeks a direction to the *Nazir* of this Court to pay the unpaid 50% of the amount deposited by the respondents towards unpaid salary along with interest accrued thereon.

It is submitted on behalf of the applicant that, in view of the judgment dated 27.6.2013 in Writ Petition No.3422/1999, this Court had directed the respondents to decide the representation made by the respondent-Management, preferably within a period of four months and the amount deposited by the Management should be paid after the decision, on the representation of the respondent-Management. It is stated that the applicant has become aware in pursuance of the communication received from the concerned Department that no such representation

is made by the respondent-Management and hence the petitioner is entitled to withdraw the balance unpaid amount as per the judgment dated 27.6.2013.

Mr. Mohit Khajanchi, the learned counsel for the Management, states that the representation was made to the State Government on 5.2.1998 and a copy of the same was annexed to the affidavit-in-reply filed on behalf of the respondent-Management in the Writ Petition. It is stated that a fresh representation was not necessary and the State Government ought to have decided the representation dated 5.2.1998.

In view of the aforesaid, we find that it was necessary for the State Government to decide the representation of the respondent-Management, dated 5.2.1998, within a period of four months. Since the State Government has not decided the representation within the stipulated period, in the circumstances of the case, we direct the State Government to decide the representation dated 5.2.1998 at Annexure R-3 as early as possible and, positively within a period of six weeks.

The Civil Application is disposed of in the aforesaid terms, with liberty to the applicant to apply afresh, only in case of the dismissal of the representation. It is needless to mention that the State Government should convey the decision on the representation to the applicant as well as respondent-Management, immediately.

Steno copy of this order is granted, on a request of the learned Assistant Government Pleader.

Order accordingly.

JUDGE

JUDGE

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