

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.10009/2013

12 WRIT PETITION NO. 10009 OF 2013

SUNANDA PANDHARINATH ADHAW
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. R.S.Deshmukh h/f Mr. Amol Joshi
AGP for Respondent State: Mr. A.V.Deshmukh
Mr.Patil Vikramsinh P, Mr. R.R.Karpe, Advocates, for respective
respondent no.4 to 6.

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CORAM : S.S. SHINDE & Ravindra V. Ghuge, JJ.
Dated: February 02, 2016

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PER COURT :-

1. Heard learned Counsel for the parties. In pursuance to the directions issued to the Deputy Director of Education, the said authority has filed additional affidavit in reply with report. In the said additional affidavit in reply it is stated that the petitioner is entitled for Rs. 5,69,204/- with gratuity of Rs.3,69,157/-. Learned Counsel appearing for the petitioner, on instructions, accepts the amount mentioned in the additional affidavit in reply, however, he submits that, so far interest part is concerned, the petitioner is entitled for interest at the rate of 9 per cent from 17.8.2000 which comes to Rs.4,88,140/-. Learned Counsel appearing for respondent nos. 4 to 6 submits that the figure has been determined and calculated by the authority and, therefore, no interest is payable and in case this Court is of the opinion that there is delay in payment, in that case, even the petitioner is responsible inasmuch as though the respondent management

agp/-

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asked the petitioner certain documents, however, the petitioner was not diligent in submitting the said documents.

2. We have considered the submissions made by the learned Counsel for respective parties. Perused the material placed on record. Admittedly, in the earlier round of the litigation, the petition of the petitioner was allowed. Respondent management filed the Special Leave Petition aggrieved by the order passed by the High Court, however, the Special Leave Petition was dismissed. In that view of the matter, in view of the directions issued by this Court on 17th November, 2000, in Writ Petition No.767/2000, the petitioner was entitled for amount of Rs.2,00,000/- (Rs. two lacs) as calculated by the Deputy Director of Education. In that view of the matter, in our considered opinion, ends of justice would be met in case the petitioner is granted interest at the rate of 9 per cent from 17.8.2000. The total amount comes to Rs.4,88,140/-. Excluding the gratuity amount, respondent nos. 4 to 6 have already deposited Rs.10,00,000/- (Rs. ten lacs) in the Registry of this Court. Admittedly, the petitioner has withdrawn Rs. 3,00,000/- (Rs. three lacs). So, out of the balance amount in the Registry, the petitioner will be entitled to Rs.5,57,297/- as outstanding towards arrears of salary and gratuity. Needless to observe, the petitioner is permitted to withdraw Rs.5,57,297/- and remaining amount be given back to respondent nos. 4 to 6.

agp/-

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The petition is partly allowed and disposed of on above terms.

(Ravindra V. Ghuge, J.)

(S.S. SHINDE, J.)

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