

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2807 of 2015

The State of Maharashtra Through
Secretary and ors ..Petitioner.
Vs
Shri Ankush Vitthal Ghume ..Respondent.

Mr. C.P. Yadav, A.G.P. for the Petitioner.
Mr. Vasant D. Raut, for the Respondent.

CORAM : ANOOP V. MOHTA AND
A.S.GADKARI, JJ.
DATE : 6th December, 2016

ORDER :

1) Heard the learned counsel for the parties. The main submission made by the learned A.G.P is that the Government Resolution (G.R.) dated 20th July, 2001 as referred in paragraph no. 12, itself, is not applicable to the petitioner. This submission in our view goes to the root of the matter as the operative part prescribes on the foundation of applicability of the said G.R. to the petitioner. There is no further discussion about this G.R.'s applicability and/or non-applicability. Therefore, at this stage we are inclined to permit the petitioner/State Government to move an application for modification and/or clarification and/or evocation of order within four weeks. The learned Members of the Maharashtra Administrative Tribunal are requested to consider the said review in

accordance with law preferably within a period of twelve weeks as the respondent is already retired.

2) This Court on 24th March, 2015 while issuing notice to the respondent has observed as under :-

“The statement is made by the learned AGP that they have already complied with the direction (c) as mentioned in paragraph No.18 of the Judgment passed by the Maharashtra Administrative Tribunal dated 25 November, 2013 (O.A. No. 818 of 2011). Therefore, at this stage, we are inclined to observe that no coercive steps be taken based upon the impugned order referring to prayer clause (a) and (b) till further order.”

Thus, we are inclined to continue interim relief till the decision of review and four weeks thereafter with clear understanding that there is no question of proceeding with the contempt petition arising out of the impugned order dated 25th November, 2013 even if it is filed till the application for review/modification is decided as stated above and four weeks thereafter. The present petition is accordingly disposed of with liberty. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA,J)