

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

WRIT PETITION NO.2866/2014

Shri Chimanrao s/o Murabaji Patil

...Versus...

The State of Maharashtra through its Secretary, Department of Social Justice
and Special Assistance, Mantralaya, Mumbai – 32 and another

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

Court's or Judge's orders

Shri S.W. Sambre, Advocate for petitioner
Mrs. K.R. Deshpande, AGP for respondent no.1
Shri L.N. Bodade, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 07.03.2016

By this writ petition, the petitioner has sought a direction to the respondent no.2- Corporation to release the unpaid dues of the petitioner with interest.

It is stated on behalf of the petitioner that though this period of suspension of the petitioner was ordered to be treated as the period spent by the petitioner on duty by the order of the respondent no.2 dated 25.5.2007, the respondent no.2 has not cleared the dues. It is stated that the petitioner has received only a cheque for an amount of Rs.2,57,900/-. It is stated that there is a shortfall in payment of dues to the extent of Rs.72,449/-. It is stated that the said amount is liable to be paid with interest.

Shri Bodade, the learned Counsel for the respondent no.2 states that as per the Rules and the Government Resolutions, the respondent no.2 – Corporation has computed the dues that were liable to be paid to the petitioner. It is stated that as per the calculations, the petitioner is entitled only to a sum of Rs.2,57,900.23 paise and the said amount has been paid to the petitioner by cheque. It is stated that the petitioner is not entitled to an additional amount of Rs.72,449/-. It is stated that the claim of the petitioner to the aforesaid amount is seriously disputed by the respondent no.2 – Corporation.

In view of the dispute on the issue of payment of dues to the petitioner, Shri Sambre, the learned Counsel for the petitioner states that the petitioner would file appropriate proceedings for recovery of the unpaid dues with interest as the disputed questions of facts cannot be considered in exercise of the writ jurisdiction. The learned Counsel seeks permission to withdraw the writ petition in the aforesaid background.

Permission to withdraw the writ petition is granted. The writ petition is disposed of as withdrawn. The points raised in the petition are, however, kept open.

JUDGE

JUDGE

Wadkar