

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

CIVIL APPLICATION (W) NO.1137 OF 2015

IN

WRIT PETITION NO.4520 OF 2014

(Director of Social Forestry, MS, Pune and another ..vs.. Subhash Shalikrao Rohankar)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 19-09-2016

Heard Shri Prashant Gode, Advocate for the petitioners and Shri A.J. Kadu, Advocate for the respondent.

When the writ petition was taken up for hearing on admission and interim order on 01-12-2014, the respondent/employee was working with the petitioners/ employer on daily wages. Considering the facts of the case, by the order dated 01-12-2014, this Court rejected the prayer for interim relief.

The respondent/employee has attained the age of superannuation on 30-10-2015. This application is filed praying for modification of the order dated 01-12-2014. One of the submission made on behalf of the petitioners/ employer is that if the amount as per the impugned order is paid to the respondent/employee and subsequently the petition is allowed, it will not be

possible for the petitioners/employer to recover the amount. In view of the subsequent event that the respondent/employee is not working with the petitioners/employer, having surpassed the age of superannuation, in my view, the order passed by this Court on 01-12-2014 is required to be modified as follows :

If the amount of Rs.15,00,000/- is deposited by the petitioners with the registry of this Court within three months, the execution of impugned order shall stand stayed, until further orders.

If the amount is deposited within three months, the same shall be kept in a nationalized bank in fixed deposit.

If the amount of Rs.15,00,000/- is not deposited within three months, there shall be no protection in favour of the petitioners and the respondent will be at liberty to proceed with the execution.

The civil application is allowed in the above terms.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on :21-09-2016.

P.A. to Hon'ble Judge.