

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

CIVIL APPLICATION (W) NO.1182 OF 2016

IN

WRIT PETITION NO.55 OF 2004

(Shri Sunil Shamraoji Shinde ..vs.. State of Maharashtra, through its Urban Development Department,
Mumbai and others)

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

Court's or Judge's orders

CORAM : PRASANNA B. VARALE

AND Z.A. HAQ, JJ.

DATED : 22-06-2016

Heard Shri S.S. Sanyal, Advocate for the
applicant and Shri S.M. Ukey, Additional Government
Pleader for the State of Maharashtra.

The learned Additional Government Pleader has
stated that the bills regarding arrears of salary of the
applicant for the months of April and May are in process
and the amount will be paid to the applicant soon. The
learned Advocate for the applicant states that he is not
paid salary for the month of March 2016 also.

Accepting the statement made by the learned
Additional Government Pleader, it is directed that the
arrears of salary of the applicant shall be paid to the
applicant within fifteen days.

As far as the regular salary of the applicant is

concerned, the State Government is directed to pay the salary of the applicant every month regularly alongwith the members of staff of the department where the applicant is or would be posted.

Shri S.S. Sanyal, Advocate for the applicant has relied on the order passed in Civil Appeal No.3908 of 2016 on 13-04-2016 and has submitted that the directions issued by this Court that the applicant shall not be allotted work until further orders may be recalled, as the directions for not allotting work to the applicant are issued contemplating *de novo* enquiry against the applicant which is not permissible.

The order passed by this Court on 09-03-2016 directing the State Government that work should not be allotted to the applicant until further orders was challenged by the applicant in Petition for Special Leave to Appeal Nos.8890 and 8891 of 2016 which are dismissed. Moreover, we have not yet directed *de novo* enquiry against the applicant and the issue is under consideration and the matter is being heard. In these facts, the submission made on behalf of the applicant relying on the order passed in Civil Appeal No.3908 of 2016 cannot be considered at this stage.

As far as the prayer of the applicant for expeditious disposal of the issue is concerned, we find

that the issue will have to be decided alongwith the issues involved in the public interest litigation. The hearing of public interest litigation is going on and we are taking up the matter on priority basis.

The civil application is disposed accordingly. No costs.

JUDGE

JUDGE

adgokar