

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

CIVIL APPLICATION NO.2005 OF 2016
IN WRIT PETITION NO.3011 OF 2013

(Dr. Mrs. Shyla w/o T.O. Abraham, since deceased, through her legal representative Abraham s/o Thundiparambil Oonunny vs. State of Maharashtra and others)

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

Shri S.S. Shirsat, Advocate for applicant/petitioner.
Ms. T. Khan, Assistant Government Pleader for
respondent nos.1 and 2.
Shri R.L. Khapre, Advocate for respondent no.4.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : SEPTEMBER 15, 2016

By this civil application, the applicant/petitioner seeks a direction against the respondent no.4 to pay interest on Rs.2,06,263/- with effect from 6/10/2012 till July 2016. The applicant seeks a direction against the respondent no.2 to refund a sum of Rs.5,56,477/-. The applicant seeks a direction against the respondent nos.2 and 4 to release the pay that was payable to the original petitioner with effect from 1/7/2011 to 30/11/2012. A direction is also sought against the respondent nos.2 and 4 to make the payment of death-cum-retirement gratuity.

The first prayer made in the civil application cannot be granted as by the prayers made in the writ petition, the petitioner has not sought the interest on the amount that was payable to the petitioner towards

arrears of the difference of salary due to the recommendations of the 6th Pay Commission.

The second, third and fourth prayers made in the civil application cannot be granted at this stage as some of the said prayers are made in the writ petition and some of them are not made in the writ petition at all. It would be necessary for the applicant/petitioner to seek refund of the amount of Rs.5,56,477/- at the time of hearing of the writ petition on merits.

The prayer made in the prayer clause (iii) of the civil application would be considered at the time of hearing of the writ petition as the said prayer finds place in the writ petition.

The civil application stands disposed of.

JUDGE

JUDGE

khj

CERTIFICATE

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

Uploaded by :

Kamal H. Jeswani
Private Secretary

Uploaded on :

16/9/2016