

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.1380 OF 2017
IN
WRIT PETITION NO. 11512 OF 2014**

1. The State of Maharashtra,
through its Secretary,
Department of Co-operation,
Mantralaya, Mumbai – 32
 2. The Commissioner for Co-operation,
and Registrar,
Co-operative Societies,
Maharashtra State, Pune
- ..Applicants

Vs.

Dalpat s/o. Gopal Vasave,
Age : Major, Occ. Service,
r/o.Dhule District Co-operative,
Agriculture and Rural Multipurpose
Development Bank, Dhule
and 51 others

..Respondents

Mr.S.K.Tambe, A.G.P. for applicants

Mr.V.J.Dixit, Senior Advocate i/b. Mr.A.N.Nagargoje,
Advocate for respondent nos.1 to 50

Mr.N.B.Khandare, Advocate i/b.Mr.N.N.Desale, Advocate
for respondent no.51

**CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.**

DATE : NOVEMBER 06, 2017

ORDER (PER SANGITRAO S. PATIL, J.):

Heard. The applicants have prayed for modification/review of the order dated 10.01.2017 passed in Writ Petition No.11512 of 2014, whereby the applicants have been ordered to pay three months salary to the employees of respondent no.52 – Bank (original respondent no.4) in three monthly installments of Rs.15,00,000/- each.

2. According to the learned A.G.P., no policy decision has been taken by the applicants to pay salary or other dues to the employees of respondent no.52 – Bank. The employees of respondent no.52 – Bank are not the employees of the applicants and therefore, the applicants were not under any obligation to pay salary of the employees of respondent no.52 – Bank, which is under liquidation.

3. This application is strongly opposed by Mr.Khandare, the learned Counsel for respondent no.52 – Bank and Mr.Dixit, the learned Senior Counsel appearing on behalf of respondent nos. 1 to 50 herein

(original petitioners). According to them, by way of interim arrangement, this Court has directed the applicants to pay three months salary to the employees of respondent no.52 – Bank, subject to the orders that may be passed by this Court after hearing the parties on the point, whether this amount shall be reimbursed by respondent no.51 – Apex Bank. They submit that the grounds which have been taken in the application were raised on behalf of the applicants when the order sought to be reviewed was passed and there can be no rehearing of the matter.

4. We have perused the order sought to be reviewed. While passing of the order dated 10.01.2017, on the basis of the submissions made on behalf of the parties, this Court observed that the policy decision has been taken by the applicant/State to pay salary and other dues of respondent no.52 – Bank. No grievance was made on behalf of the

applicants at that time. Therefore, without prejudice to the rights and contentions of the parties, by way of interim relief to the original petitioners, this Court directed the present applicants to pay three months salary to the original petitioners in three monthly installments of Rs.15,00,000/- each. It was further observed that this arrangement shall be subject to the further orders that may be passed after hearing the parties on the point whether this amount shall be reimbursed by respondent no.51 – Apex Bank. In the circumstances, we are not inclined to rehear the parties on this issue. The applicants may agitate its case at the time of final hearing of the Writ Petition and claim necessary reliefs/reimbursement.

5. We do not find any error apparent on the face of the record to interfere in the order dated 10.01.2017.

6. The Review Application is liable to be dismissed and accordingly, dismissed.

[SANGITRAO S. PATIL, J.]

[SUNIL P. DESHMUKH, J.]

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