

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6154 OF 2014**

Shri D.R. Bondre

...Petitioner

vs.

State of Maharashtra and Ors.

...Respondents

Mr. Prashant Chavan i/by Mr. Ravindra Chille for the Petitioner.

Ms. R.M. Shinde, AGP for the Respondent State.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.
JULY 14, 2017**

P.C.:

Rule. Rule is made returnable forthwith and heard forthwith by the consent of the parties.

2. The case of the petitioner is that in the earlier round of litigation, he had filed Writ Petition No.1499 of 1997 against the respondent which was disposed of by the Division Bench of this Court vide order dated 22.11.2011. Following is the operative part of the said order :

“5. The learned A.G.P. appearing for respondent nos.1 and 2 and counsel appearing for respondent no.3 have no objection for disposing of this Writ Petition in terms of the order dated 8.1.2004 in Writ Petition No.773 of 1997. In terms of the order dt.8.1.2004 passed in the Writ Petition No.773 of 1997, the following order is passed:

The petitioner would be entitled to be placed in the revised scale of Rs.700-40-1100-60-1600 with effect from 1st April, 1980 and thereafter, from 1st April, 1986 in the revised pay scale of 3700-125-4950-150-5700. The respondents are directed to pay to the petitioner the back wages along with all the consequential benefits after proper fitment within a period of six months from today. In the event, the payment is not made within six months from today,

the petitioner would be entitled to interest at the rate of 9% per annum from the date of the judgment till the date of final payment.

6. Rule made absolute accordingly. There shall be no order as to costs."

3. The grievance of the petitioner is that in terms of the said order, since the amount was not paid within six months, the petitioner became entitled for interest @ 9% p.a. from the date of the said order dated 22.11.2011 till the date of final payment, but the interest has not been paid to him. It is also the case of the petitioner that though as per the directions contained in the said order so far as grant of consequential benefits after fitment is concerned, the calculation ought to have been made as per Exh A Page 13 but the same has not been done and the benefit of the fitment has not been appropriately calculated and paid.

4. Today when the matter came up for hearing, learned counsel for the petitioner submits that in respect to the aforesaid grievances, the petitioner has already submitted representation dated 11.10.2013 Exh. E and dated 27.1.2014 Exh. F before respondent no.2 but till date the said representations have not been decided. In the circumstances, he made a prayer this petition be disposed of by directing the respondent no. 2 to consider and take appropriate decision on the said representations in view of the order passed by this Court in WP No.1499 of 1997 decided on 22/11/2011.

5. Having regard to the aforesaid prayer, we dispose of this petition by directing respondent no.2 to look into the petitioner's representations and take appropriate decision in regard to the benefits of the fitment. As regards the payment of interest, we find that the backwages have been paid to the petitioners on 22.6.2013 i.e. more than six months after the passing of the order by this court on 22.11.2011. In the circumstances, in view of the order passed on 22.11.2011, we direct respondent no.2 to

pay the interest at the rate of 9% p.a. from the date of the order passed by this court i.e. 22.11.2011 till the date of actual payment as aforesaid. The amount of interest be paid within three months. As regards the representations, the same shall also be considered and decided within the aforesaid period of three months.

6. Rule is made absolute in the aforesaid terms.

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)