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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.449 OF 2017 IN
WRIT PETITION NO.12530 OF 2015

Prashant Ratnakar Khadilkar ...Applicant

In the matter between

The State of Maharashtra & Ors. ...Petitioners

vs.

Rakesh Vasant Salunke & Ors. ...Respondents

Mr.Sandeep S. Dere with Anand D. Gugale for the
applicant

Mr.P.G.Sawant, AGP for the respondents

CORAM : A.S.OKA, &
M.S.SONAK, JJ.

DATE : AUGUST 20, 2018

P.C.:

1 The present applicant was the respondent No.3 in Writ Petition No.12530 of 2015 filed by the State of Maharashtra and others for challenging the Judgment and Order dated 4th August 2015 passed by the Maharashtra Administrative Tribunal (for short 'MAT') in Original Application No.431 of 2014 filed by the present applicant and 24 others. The said writ petition filed by the State Government was disposed of by order dated 15th March 2016 passed by the First Court. As the present applicant was aggrieved by the said order of MAT which was subject matter of challenge in Writ Petition No.12530 of 2015, the present applicant filed Writ Petition

No.8633 of 2016. The said writ petition was disposed of as withdrawn on 24th January 2017 by a Division Bench of this Court. The said order reads thus:

"Learned counsel appearing for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to avail the remedies which are available in law. Leave, as prayed for, is granted."

2 Now, by this Civil Application, the applicant is seeking clarification of the order dated 15th March 2010. As stated earlier, the writ petition filed by the State Government challenging the said order was disposed of by order dated 15th March 2016.

3 However, the applicant and others challenged the said order of MAT by filing a Writ Petition No.8633 of 2016 which is disposed of as withdrawn by order dated 24th January 2017. The said order does not grant any liberty to the applicant to make an application to this Court for seeking modification or clarification of the order dated 15th March 2016. Therefore, in light of the order dated 24th January 2017, no prayer for clarification as sought by the applicant can be considered.

4 Faced with the aforesaid difficulty, the learned counsel for the applicant states that he will apply for clarification of the order dated 24th

January 2017. Only if the said order is clarified or modified, the application containing the prayers made in this application can be entertained. Therefore, as of today, no case is made out for grant of any relief. Hence, we dispose of the Civil Application with liberty to the applicant to file a fresh Application in the event the order dated 24th January 2017 is modified or clarified.

(M.S.SONAK,J.)

(A.S.OKA,J.)