

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5357 OF 2004

The State of Maharashtra and anr.Petitioners
Versus
Shashikant Y. Naik and ors. ...Respondents

WITH

CIVIL APPLICATION NO. 3102 OF 2009

Mr. N.C. Walimbe, AGP for the State-Petitioners.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &
M. S. SONAK, J.**

DATE : 26.07.2018.

ORAL JUDGEMENT:

1] Heard Mr. N.C. Walimbe, learned counsel for the petitioners- State.

2] The respondents though served neither present nor represented.

3] The challenge in this petition is to the impugned judgment and order dated 19.8.2003 in O.A. No. 408 of 2003 awarding certain arrears of pay and allowances to the respondents from 1.1.1986 to 31.12.1993.

4] The impugned judgment and order is based upon the judgments and orders dated 4.7.2003 and 4.9.1998 disposing of O.A. No. 1271 of 2002, O.A.No. 3940 of 1992 and O.A. No. 774 of 1994.

5] This is stated in paragraph 2 of the impugned judgement and order. In this paragraph, it is further stated that Writ Petition No. 1559 of 1999 had been instituted in this court challenging the orders passed in the aforesaid O.As.. At that time, Writ Petition No. 1559 of 1999 was stated as pending.

6] Mr. Walimbe has vary fairly placed on record the judgment and order dated 16.6.2006 in Writ Petition No. 1559 of 1999, by which, the said writ petition, came to be dismissed without any order as to costs. Mr. Walimbe submits that the contentions as recorded on behalf of the State of Maharashtra in the judgement and order dated 16.6.2006 may be treated as reiterated by him in the present petition.

7] Now, that Writ Petition No. 1559 of 1999 has been dismissed by detailed judgement and order dated 16.6.2996, after consideration of the contentions raised by and on behalf of the State of Maharashtra, obviously, we cannot be persuaded to take any different view in this matter. There is no dispute that the subject matter of the present petition and Writ Petition No 1559 of 1999 is almost identical.

8] In the aforesaid circumstances, by following the reasoning in the judgment and order dated 16.6.2006 in Writ Petition No. 1559 of 1999, we dismiss the present petition. Rule is discharged. There shall however, be no order as to costs.

9] Civil Application No. 3102 of 2009 does not survive and the same is disposed of.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)