

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1266 OF 2018
IN
WRIT PETITION NO.6631 OF 2012**

Smt. Trupti Milind Dhonde ..Applicant
Vs.
The Special District Social Welfare Officer & Ors ..Respondents

Mr. Mihir Desai Senior Advocate a/w Mr. V. V. Salunke for the Applicants
Mr. C. P. Yadav AGP for the Respondent Nos.1 to 3
Mr. Raj Patel a/w Mr. Rickin Dang i/b M/s Ganesh & Co. for the
Respondent No.4

**CORAM :R. M. SAVANT, &
MRIDULA R BHATKAR,JJ
DATE : 3rd AUGUST, 2018**

IN CHAMBER AT 2.45 P.M.

P.C.

1 The above Civil Application has been filed for a direction that the Respondents be directed to pay the salary to the Petitioner from June 2010 onwards till date by treating her services as full time employee. The said relief is sought on the basis that the orders dated 6-2-2010 issued by the Respondents as also the order dated 21-8-2010 which is in the nature of a communication made to the Respondent No.4 institution were quashed and set aside by the Division Bench of this Court by order dated 11-2-2013. It is not necessary to go into the reasons as to why the Division Bench deemed it fit to quash and set aside the said orders.

2 It is required to be noted that the Department in question i.e. Assistant Commissioner, Social Welfare Mumbai, Mr. Prasad Khairnar vide his letter dated 3-8-2018 addressed to the Learned AGP Mr. C. P. Yadav has informed him that it would require minimum 6 weeks time to comply with the said order dated 11-2-2013 passed by this Court. Hence implied in the said order is the fact that the Respondent Nos.1 to 3 have decided to comply with the said order dated 11-2-2013, which fact is also reiterated by the Learned AGP Mr. Yadav on instructions of Mr. Pravin Khairnar who is personally present in Court, during the course of the hearing of the above Application. In view of the fact that the orders dated 6-2-2010 and 21-8-2010 have been set aside, the logical corollary to the same would have been that the Petitioner would be entitled to the salary on full time basis from the year 2010 till date (i.e. arrears and now the wages from month to month) which can be said to be the consequence of the setting aside of the said orders. However, the said entitlement of the Applicant remained to be incorporated in the said order dated 11-2-2013, resulting in the Petitioner filing the instant application.

2 In the facts and circumstances of the case and having regard tot he letter dated 3-8-2018 address to the Learned AGP by the Assistant Commissioner, Social Welfare Mumbai, we deem it appropriate to direct the Respondent Nos.1 to 3 to comply with the said order latest within a period of 8 weeks from date. We hope and trust that no extension would be applied for

by the said Respondents. Hence for compliance to be listed on 19-9-2018 in Chambers. The letter dated 3-8-2018 is taken on record and marked as “X” for identification.

3 The Civil Application is accordingly disposed of.

(MRIDULA BHATKAR, J.)

(R.M.SAVANT, J.)

Meera
Mahesh
Jadhav

Digitally signed by
Meera Mahesh Jadhav
Date: 2018.08.04
14:21:00 +0530