

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

**REVIEW APPLICATION ST.NO.20988 OF 2018
IN
WRIT PETITION NO.9501 OF 2016**

**PUBLIC EDUCATION SOCIETY VALVADI SHIVAR,
GONDUR ROAD, DHULE THROUGH ITS CHAIRMAN
VS
DR.AJIT UTTAMRAO WAGH AND OTHERS**

Mr.N.L.Choudhari, Advocate for the applicant
Mr.A.G.Talhar, Advocate for respondent No.1
Mr.A.R.Kale, AGP for the respondent/State

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 12.04.2019**

P.C. :-

. Mr.Chaudhari, learned counsel for the review applicant submits that in fact, Ishwar Shinde was not authorized to instruct the learned counsel for respondent Nos.3 and 4 in writ petition No.9501/2016. Relying on the instructions given by Ishwar Shinde learned counsel for respondent Nos.3 and 4 made a statement that respondent Nos.3 and 4 would make payment of Rs.6,50,000/- to the petitioner as full and final settlement of the monetary claim of the original petitioner. Learned counsel submits that Ishwar Shinde is not an Administrative Officer of present review applicant. Learned counsel

submits that in fact the appointment of the original writ petitioner was on consolidated salary of Rs.20,000/- per month and the dues of the original writ petitioner would come to Rs.4,00,000/- at the most.

2. Mr.Talhar, learned counsel submits that in fact the matter was kept back for the learned counsel of the present applicant to take instructions and thereafter the statement was made. The claim of the original writ petitioner was almost to the tune of Rs.30,00,000/- as per 6th Pay Commission. But as the statement was made that amount would be paid within one week, the original writ petitioner accepted the same.

3. Present review is filed for re-calling of the order dated 04.12.2017. We passed the following order.

“2. Mr.Patil, learned advocate for respondent Nos.3 and 4 on instructions of the Administrative Officer of respondent Nos.3 and 4 Ishwar Shinde states that respondent Nos.3 and 4 would make payment of Rs.6,50,000/- to the petitioner as full and final settlement of the monetary claims of the petitioner against respondent Nos.3 and 4 within one week.

3. Mr.Talhar, learned advocate for the petitioner on instructions of the petitioner who is present in the Court, accepts the said offer and states that petitioner would accept the sum of Rs.6,50,000/- towards the full and final settlement of his claim as raised in the present petition.

4. The respondent Nos.3 and 4 shall make payment of Rs.6,50,000/- to the petitioner towards full and final settlement of his claim raised in writ petition.”

4. In fact, the order was not on merits but was on concession made by the learned counsel for the present applicant. We would not like to go into the details as who is at fault but as the order is passed on the concession given the same now would not be a subject matter of review. In view of that, we are not inclined to entertain the review application. However, the present review applicant may pay the amount of Rs.6,50,000/- to the original writ petitioner within one month.

5. Accordingly the review application stands disposed of.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]