

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.13066 OF 2019

SUNILSINGH VITTHALSINGH BAYAS ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA  
AND ANOTHER ...RESPONDENTS

Mr. M.V. Salunke, Advocate holding for  
Mr. V.D. Salunke, Advocate for Petitioner  
Mr. V.M. Kagne, AGP for Respondent No. 1

**CORAM : S. V. GANGAPURWALA AND  
ANIL S. KILOR, JJ.**

**DATE : 17<sup>th</sup> OCTOBER, 2019**

**ORAL ORDER:**

1. The learned Counsel submits that the petitioner's revision is pending with respondent No.1 since August, 2019.
2. The revision is filed along with the stay petition. The same is not decided and the impugned order is passed to either recover the amount and if recovery is not made, then the criminal case be filed. The learned Counsel submits that the petitioner has already given an application to respondent No. 2 to deduct Rs. 10,000/- per month from his salary subject to the decision in revision. The said application is not considered.

3. Considering the fact that the revision along with the stay petition is pending and the petitioner has already given application to respondent No. 2 to deduct Rs.10,000/- per month and the impugned order is conditional that is, if the amount is not paid then the criminal case be filed, we pass the following order :-

### **ORDER**

(i) The respondent No.1 shall decide the stay petition filed by the petitioner within one month from the date of formation of the new Government.

(ii) The respondent No. 2 shall act upon the letter of the petitioner permitting deduction of R.10,000/- per month from his salary and the same is without prejudice to the rights of the parties and decision in the revision .

(iii) Till the stay petition is decided by respondent No.1, the criminal case may not be filed pursuant to the impugned communication.

4. With these observations, the writ petition is disposed of.  
No costs.

**[ ANIL S.KILOR ]**  
**JUDGE**

**[ S.V.GANGAPURWALA ]**  
**JUDGE**