

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3386 OF 2019
AND
REVIEW APPLICATION (ST) NO. 35407 OF 2018

JAYAPAL GOVARDHAN RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Smt. Bharaswadkar Patil Kalpalata
AGP for Respondents 1 to 4 : Shri Yadav-Lonikar S.R.
Advocate for Respondents 2 & 3 : Shri Sabnis A.N.
h/f Shri Gunale V.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 19, 2019

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PER COURT :-

1. The learned Advocate for the respondent / management graciously agrees for condonation of delay, on the condition that the review petition be heard forthwith.
2. Both the learned Advocates graciously agrees that the Review Petition can be heard forthwith and therefore, I have considered the contentions of the respective parties.
3. Hence, the Civil Application is allowed.
4. The applicant submits that by the judgment of this Court dated

11.8.2016, Writ Petition No.2295 of 1997, filed by the applicant herein was allowed and he was granted reinstatement in service. However, backwages were not granted as the management informed the Court that another Clerk Shri B.M. Gotamwad was already working in place of the applicant. Since the management had paid Shri Gotamwad his monthly wages for the period overlapping the continuity in service granted to this applicant, this Court has not granted backwages. After the applicant was reinstated, the payment of his regular wages commenced.

5. Learned Advocate for the applicant submits that now the applicant has gathered information under the Right to Information Act and it is found that Shri Gotamwad was not granted permanent approval as a Clerk, though he was granted an approval for the entire period during which the litigation of the applicant Shri J.G.Rathod was pending in this Court.

6. In my view, as Shri Gotamwad was working in place of this applicant and the management paid him wages for that period, there cannot be an order directing the management to pay wages to the applicant who was out of employment during that period, lest it would amount to directing the management to pay wages to the applicant for the same period for which they have already paid wages

to Shri Gotamwad for the work done.

7. No error apparent on the face of the order is pointed out and therefore, the review application is rejected.

(RAVINDRA V. GHUGE, J.)

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