

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.733 OF 2016

(Dr. Chandrabhan Pandurang Patil Vs. The Sat Chikitsa Prasarak Mandal and others)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.*

Court's or Judge's orders.

 Shri S.D. Malke, Advocate for Petitioner.
 Shri Abhijit Deshpande, Advocate for Respondents 4 & 5.
 Shri P.S. Tembhare, AGP for Respondent 8/State.

CORAM: ROHIT B. DEO, J.

DATE: 1st OCTOBER 2019.

The legal heirs of the petitioner Dr. Chandrabhan Pandurang Patil are seeking the implementation of the recommendatory report of the Grievance Committee of the respondent 4 – University which is accepted by the Management Council.

The effect of the decision of the Management Council is that the deceased petitioner Dr. Chandrabhan Pandurang Patil became entitled to arrears of salary from January, 2009.

Late Dr. Chandrabhan Pandurang Patil was pursuing the matter with the respondent 4 – University whose undoubtedly it is bounden duty to implement the recommendatory report of the Grievance Committee which is accepted by the Management Council. It would be fruitful to reproduce the relevant extract of direction 5/2012 which reads thus:

38. Every non-complainant failing to
 comply with the Management Council's

decision with the stipulated time mentioned therein shall have to pay the penalty of Rs. 5000/- to the University and yet shall have to comply with the decision in another two weeks.

39. *Failure to comply with the Management Council's decision to pay the penalties shall invite a penal action as suggested by the Management Council against such offence for non-compliance of the University order / directive.*

It appears that it was only vide communication dated 09.02.2015 that the petitioner was informed the inability of the respondent 4 – University to implement the order in view of the closer of the institution.

Considering the fact that the institution is closed, it would be more appropriate if the petitioner institute a civil suit to recover the money claim. Needless to state, that since the petitioner was pursuing the statutory and writ remedy *bona fide* and diligently, the question of limitation, should such question arise, be considered from the perspective of the letter and spirit of Section 14 of the Limitation Act.

The petitioner is permitted to withdraw the petition with liberty to take recourse remedy before the civil court.

JUDGE