

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

CIVIL APPLICATION (W) NO. 3239/2019 IN WRIT PETITION NO.6275/2011

Mahesh Bhagwandas Dattani
Vs.
The Chief Executive Officer, Z.P. Yavatmal and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.V.Bhide, Advocate for petitioner/non applicant.
Shri R.D.Bhuibhar, Advocate for respondent no.1.
Shri A.P.Kalmegh, Advocate for respondent Nos. 2, 4, 5, 7 to 9 /applicants.

CORAM : A.S.CHANDURKAR, J.
DATED : DECEMBER 17, 2019.

The respondent nos. 2, 4, 5, 7 to 9 in the writ petition have filed this civil application praying that the Chief Executive Officer, Zilla Parishad, Yavatmal - respondent no.1 be directed to grant necessary financial benefits to them in view of the order dated 09.06.2017 that has been passed during the pendency of the writ petition. According to the said respondents, it is only on account of pendency of the writ petition that such relief has been withheld.

Shri R.D.Bhuibhar, learned counsel for the respondent no.1 has referred to the communication dated 09.07.2017 in which it has been stated that on account of pendency of the above writ petition, monetary benefits have not been released in favour of the said respondents/applicants.

Shri A.V.Bhide, learned counsel for the petitioner submits that in the complaint filed by him he had sought the relief of grant of deemed date of promotion with all monetary benefits.

Considering the fact that grant of monetary benefits to the applicants in the civil application is based on subsequent adjudication by the Divisional Commissioner dated 09.06.2017, it is open for the Zilla Parishad to grant those benefits in terms of that order since that order has attained finality.

It is clarified that grant of such reliefs to the applicants would not cause prejudice to the petitioner. The civil application is accordingly allowed by directing the respondent no.1 to take further steps in terms of the order dated 09.06.2017 passed by the Divisional Commissioner.

The Civil Application is disposed of.

JUDGE

Andurkar.