

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

WRIT PETITION NO. 13370 OF 2017

Ambadas Sarjerao Gavad

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.K. Chavan, Advocate for petitioner

Mrs. P.V. Diggikar, A.G.P. for respondent – State

Mr. G.K. Thigale (Naik), Advocate for respondent no.4

....

**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 22nd JANUARY, 2020

PER COURT :

Learned Counsel for the petitioner, on instructions, submitted before this Court that the petitioner is not pressing prayer clauses (B) and (D). Learned Counsel also admitted that though the prayer was made in prayer clause (B), it was in respect of payment towards gratuity. In view of the reply filed on behalf of Respondent No.4 – Chief Officer, Municipal Council, Beed and more particularly the documents placed on record at Exhibit R-4 to the affidavit-in-reply, the grievance of the petitioner for non-payment of gratuity amount no more survives as the amount is paid to the petitioner by way of cheque drawn on 05th May, 2018.

2. Learned Counsel also submits that prayer clause (D) was also made due to inadvertent mistake. Learned Counsel then submitted that though the petitioner prayed in prayer clause (C) for directions for repayment or reimbursement of the amount, as there is no proper quantification of the amount, the petitioner be permitted to approach Respondent No.4 – Chief Officer, Municipal Council, Beed by submitting a comprehensive representation and Respondent No.4 be further directed to decide the said representation within a stipulated period.

3. Mr. Thigale, learned Counsel for Respondent No.4 has not raised any serious objection for the exercise to which the petitioner undertakes to follow. It is the only submission of Mr. Thigale that on receipt of such representation, the same would be decided on its own merits.

4. Considering the above referred submissions, the petition is disposed of with liberty to the petitioner to approach Respondent No.4 to submit a comprehensive representation within two weeks from today. On receipt of such representation, Respondent No.4 – Chief Officer, Municipal Council, Beed to decide the same, needless to state on its own merits, within six weeks. We further make it very clear that the petitioner should not file a representation couch in a way creating an impression on the authority as if this Court admitted the entitlement of the petitioner. The assessment of the

claim raised by the petitioner is left to the authority on its own merits. With these directions and observations, the petition is disposed of.

SSD (R.G. AVACHAT, J.)

(P.B. VARALE, J.)