

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1 OF 2020

IN

WRIT PETITION NO.4660 OF 2010

The Chief Executive Officer

Zilla Parishad, Kolhapur

... Applicant

In the matter between

Mrs. Sandhyarani Rajaram Bhosale

... Petitioner

Versus

The Chief Executive Officer,

Zilla Parishad, Kolhapur

... Respondent

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Mr. Ramesh D. Rane for the Applicant/Org. Respondent.

Mr. Pavitra Manesh i/b M.S. Topkar for the Respondent/Org.
Petitioner.

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CORAM : S.C. GUPTE, J.

DATE : 4 MARCH 2020

P.C. :

. This Interim Application seeks recall of *status quo* order passed on 26 October 2010 in the captioned writ petition with direction to the Respondent (original petitioner) to take steps under Rule 68 of Maharashtra Civil Services (Pension) Rules, 1982. It is submitted that during the pendency of the petition, which seeks to challenge orders passed by the Labour Court at Kolhapur and the Industrial Court at Kolhapur in revision on a complaint of unfair labour practice, which

sought reinstatement with continuity of services and full back wages, the original petitioner has suffered a severe paralysis attack; she was directed to get herself examined by a medical board and produce a medical certificate. It is submitted that on 17 September 2019, the medical certificate, duly made by the medical board, was received by the District Health Officer, Zilla Parishad, Kolhapur. The certificate declares her to be medically unfit for duty. It is submitted that as a result of this certificate, it has become necessary to issue an order of retirement from services of the original respondent as per the relevant statutory rules (Rules 68 and 72 of the Pension Rules referred to above). It is, accordingly, prayed that the interim *status quo* order passed by this court in the writ petition, may, accordingly, be revoked and the Respondent to the writ petition may be permitted to take steps under the relevant pension rules, so that invalidity pension can be given to the original petitioner. The Petitioner also supports the application.

2 Accordingly, the *status quo* order passed passed on 26 October 2010 in the captioned writ petition is recalled and the parties are permitted to take steps under Rules 68 and 72 of the Pension Rules.

3 In view of this order, the petition, having become infructuous, deserves to be disposed of. The Interim Application and Writ Petition are, accordingly, disposed of.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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Rajesh V. Chittewan
Date: 2020.03.12
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