

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

WRIT PETITION NO. 6683 OF 2021

Late Reva Naik Charitable Trust
Shantiniketan Through its
Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pralhad D. Bachate, Advocate for the Petitioner.
Shri A. R. Kale, A.G.P. for Respondent Nos. 1 and 2.
Shri K. P. Rodge, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 17TH NOVEMBER, 2021.**

FINAL ORDER :

. The petitioner assails the order dated 22nd March, 2021 passed by the State Government thereby directing the petitioner to pay salary of the respondent No. 3.

2. We have heard Mr. Bachate, the learned advocate for the petitioner, Mr. Kale, the learned Assistant Government Pleader for respondent Nos. 1 and 2 and Mr. Rodage, the learned advocate for respondent No. 3.

3. The respondent No. 3 is an employee of the petitioner. The respondent No. 3 was terminated from service. The respondent No. 3 approached the Regional Deputy Commissioner, Social

Welfare Division, Latur. The Regional Deputy Commissioner, Social Welfare Division Latur allowed the appeal filed by the respondent No. 3 and directed reinstatement with continuity in service. The respondent No. 3 filed Writ Petition No. 10733 of 2018 for implementation of the said order, whereas the petitioner filed Writ Petition No. 10138 of 2018 challenging the order directing reinstatement of the respondent No. 3.

4. This Court under its judgment and order dated 04th December, 2020 passed common order and upheld the order passed by the Regional Deputy Commissioner, Social Welfare Division, Latur directing reinstatement. This Court further directed the petitioner to submit the salary bills of the respondent No. 3 from the date of termination till the date of reinstatement to the authority. In pursuance to the said order, the petitioner submitted salary bills of the respondent No. 3 from the date of termination till the date of reinstatement. The State Government under the impugned order directed the petitioner to pay the salary for the said period. It is further submitted by the learned Advocate for the petitioner that, no other employee was appeared in place of respondent No.3 from the date of his termination and reinstatement.

5. It appears that, the order passed by this Court on 04th December, 2020 in the aforesaid writ petitions is not brought to the notice of the respondent No. 1 and in ignorance of the order passed by this Court as referred to above, the impugned order

has been passed. As the order of this Court dated 04th December, 2020 in Writ Petition No. 10733 of 2018 and Writ Petition No. 10138 of 2018 is still in force, the respondent No. 1 could not have passed the impugned order.

6. In the light of that, the impugned order is quashed and set aside. The respondent No. 2 shall process the salary bills as submitted by the petitioner of the respondent No. 3 expeditiously and preferably within a period of three (03) months from today.

7. In view of the above, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov.21