

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.10135 OF 2018

SUBHASH GANPATRAO NIMBALKAR
VERSUS
THE SECRETARY LABOUR AND INDUSTRIES DEPARTMENT
MUMBAI AND ANOTHER

...

Mr. Yogesh Deshmukh, Advocate for the petitioner.
Mr. S.B. Pulkundwar, A.G.P. for respondent Nos.1 and 2.

...

CORAM : **RAVINDRA V. GHUGE AND
S.G. MEHARE, JJ.**

DATE : 03-09-2021

ORDER :

1. The petitioner has put-forth prayer clauses "B" and "C" as under :

"[B] By issue of writ of mandamus or any other writ of like nature, the respondents herein may kindly be directed to deposit the pending amount of Rs. 48,750/- with an interest @ 9 % p.a. since 2003 upto the date of deposition of the amount in this Hon'ble Court.

[C] Pending hearing and final disposal of this writ petition, the respondents may kindly be directed to deposit the amount of Rs. 48,750/- with interest in this Hon'ble Court".

2. It is contended that the first respondent viz: the Secretary, Labour and Industries Department, Mantralaya, Mumbai should be directed to make the payment to the petitioner as he has undertaken some work as a Social Worker with regard to rehabilitation of the women and labour. He has received

Rs.1,46,250/-. He had preferred Writ Petition No. 8939 of 2011 before this Court which was disposed off by an order dated 10th March 2015, directing the petitioner to remove the deficiencies and the State was directed to consider his grievance. The petitioner contends that the deficiencies were removed and he has performed the project work, and therefore, this Court should grant prayer clause "B".

3. This petition has been filed under the extra-ordinary powers of this Court under Article 226 of the Constitution of India. The issues as regards whether the project work was performed upto the mark, whether the project work was completed, whether respondent No. 1 is satisfied with the work performed, whether the petitioner establishes his right to the amount set out in the prayer clause, are the disputed questions which the petitioner expects this Court to resolve by exercising it's extra-ordinary jurisdiction.

4. We refuse to exercise our powers for entertaining recovery suits.

5. This petition, is therefore, dismissed. Liberty to the petitioner to take recourse to a recovery suit is kept open. The time spent by the petitioner in this Court from 24-10-2016 till the passing of this order would be a ground for explaining away the delay in filing the suit.

(S.G. MEHARE, J.)

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(RAVINDRA V. GHUGE, J.)

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