

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12182 OF 2019

Shrikant Raghunath Prabhavale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Rakesh Bhatkar for the Petitioner.

Ms. Ashwini A. Purav, AGP, for the Respondent – State.

Mr. Rohit P. Sakhdeo for Respondent Nos. 2 and 3.

CORAM : PRASANNA B. VARALE &
V.G. BISHT, JJ.

DATE : OCTOBER 20, 2021.

PER COURT :

1. Heard learned Counsel appearing for the respective parties.
2. On hearing the learned Counsel appearing for the Petitioner as well as on going through the material placed on record, it reveals that though the Petitioner makes a principal prayer at prayer clause 'A' thereby directing the respondents to give service benefits as per the provisions of service of law to the Petitioner, the fact remains that there is a history of litigation initiated at the instance of Petitioner concluded in the order passed by the learned Member, Industrial Court. Then a representation / application was submitted

to the Chief Executive Officer, Z.P. Ratnagiri dated 03rd April, 2018. Copy of the same is placed on record at Exhibit 'F'.

3. It is not in dispute that in the said application / representation the Petitioner prayed for release of his service benefits and the application is pending before the Authority for its decision. The affidavit-in-reply filed on behalf of Respondent Nos. 2 and 3 through Smt. A.K. More, Junior Administrative Officer refers to the reason for non-consideration of the claim of the Petitioner but the fact remains that no official order is passed on the representation/application dated 03rd April, 2018 by the competent Authority.

4. Learned Counsel for the Petitioner submitted that the Petitioner had also filed subsequent applications / representations on 04.06.2019 and 22.07.2019 reiterating his claim for release of service benefits.

5. Learned Counsel appearing for Respondent Nos. 2 and 3 submitted that in the subsequent representations/ applications dated 04.06.2019 and 22.07.2019 though certain facts are reiterated there is also reference to other facts which are not in the earlier representations.

6. Considering this aspect of the matter, we deem it appropriate to dispose of the Petition with the following directions:

A. Petitioner is permitted to submit a comprehensive

representation to the Respondent No. 2 – Chief Executive Officer, Z.P., Ratnagiri within two weeks from today.

B. On receipt of said application / representation within stipulated period of two weeks, the Respondent No. 2 – Chief Executive Officer, Z.P., Ratnagiri to decide the same as expeditiously as possible and not later than 8 weeks.

C. We further make it clear that we have not observed anything on the merits of the representation / application.

D. With the above referred directions, Writ Petition is disposed of.

(V.G. BISHT, J.)

(PRASANNA B. VARALE, J.)