

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

948 CIVIL APPLICATION NO.2728 OF 2022
IN WRIT PETITION NO.12805 OF 2019

ANIL LAXMANRAO BHISE
VERSUS
STATE OF MAHARASHTRA & OTHERS

...
Advocate for the applicant : Mr.D.R.Shelke
AGP for Respondent-State : Mr.S.K.Tambe

...
**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 25.02.2022

P.C. :

1] Mr.Shelke, learned counsel for the applicant submits that though the applicant had constructive knowledge of the award, however, unless notice under Section 12 [2] is served upon the applicant, the same does not have any effect. The constructive knowledge has no relevance as far as continuation of the award from the Repeal Act into the existing Act is concerned.

2] The present Civil application is misconceived. In para no.10 of the order dated 09.09.2021, we had observed that the petitioner had constructive knowledge of the award. Mr.Shelke, learned counsel also does not dispute that he had constructive knowledge of the award. Our

discussion does not go further. We have nowhere observed in the order about the applicability of the proceedings of the new Act and / or Old Act. We had recorded facts about filing of the application under Section 243 of the Manual for ex-gratia payment. Decision on the said application and plea raised by the petitioner for the year 2019 that application under Section 243 of the Manual could not have been entertained after new Act came into force on 01.01.2014. Under the orders sought to be clarified or modified, we have not decided lis between the parties. We have recorded factual position and concluded that the petitioner had constructive knowledge about the award passed in the year 2000. The said order does not lead further.

3] In view of that, Civil Application is disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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