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

992 CIVIL APPLICATION NO.7032 OF 2022  
IN/WITH  
WRIT PETITION NO.2040 OF 2019

ASHFAK MOHAMMAD MAJID KORBU  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr Shaikh M. A. Jahagirdar, Advocate for applicant in  
CA/7032/2022

Mr R. S. Shinde, Advocate for petitioners in all petitions;

Mr P. S. Patil, A.G.P. for respondent Nos.1 to 5

Mr Ajinkya Reddy, Advocate for respondent No.6

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

**DATE : 5th May, 2022**

**PER COURT:**

1. This civil application is filed by the husband of Smt. Jainab Aiktesad Kazi, whose name appears as “Shri. Jainab Aiktesad Kashid” in our order dated 11/04/2022, passed in Writ Petition No.2040/2019.

2. By this civil application, it is brought to our notice that firstly, the said person is Smt. Jainab Aiktesad Kazi, who was the Assistant Labour Commissioner. Secondly, she has unfortunately passed away on 23/10/2021.

3. The issue taken up by us in our order, is of an Assistant Labour Commissioner, having distributed Rs. 1,77,45,276/- in cash. Mr. P. S. Pande, is said to be the then Assistant Labour Commissioner when the amount was distributed in cash on 11/08/2015.

4. The learned AGP clarifies that Shri. Pande distributed Rs.55,00,000/- in cash on 11/08/2015. The rest of the amount, out of Rs.1,77,45,276/-, was delivered to Shri. C. N. Shinde, Secretary, Marathwada Lal Bavta Kamgar Union, vide Cheque No.285798, dtd. 09/03/2017, by the then Assistant Labour Commissioner (In-charge) Shri. D. T. Patil.

5. In view of the above, our order dated 11/04/2022, stands modified as under :-

The name appearing as “Shri. Jainab Aiktesad Kashid”, shall be replaced by the words “late Smt. Jainab Aiktesad Kazi”, in paragraph Nos.1 and 3.

6. The learned AGP informs us on instructions from Shri. Mohsin A. Sayyed, present Assistant Labour Commissioner that,

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Shri. P. S. Pande has now superannuated. Copy of the communication addressed by Shri. Sayyed, dated 29/04/2022, to the learned AGP is placed on record, which is marked as 'X-1' for identification. It is informed that he has received the said instructions from the Higher authorities.

7. In view of the above, it would be appropriate for us, to recall the contents of paragraph 5 of our order. Along with the corrections as above, Paragraph 5 would, therefore, read as under:-

“5. We, therefore, direct the Commissioner of Labour, State of Maharashtra, to cause an enquiry into this entire affair of the distribution of amount in cash, by Shri. P. S. Pande, the then Assistant Labour Commissioner, Latur. After gathering information based on such enquiry, if he finds that the act of distributing money in cash, is prima- facie visible, at the behest of Shri. P. S. Pande and any other person, the Commissioner of Labour shall register the first information report against such persons and Shri. Pande, since he has superannuated in November 2015, which is more than 6 years ago. Such enquiry shall be

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concluded, on or before 15/06/2022 and thereafter, the first information report would be registered in the concerned police station, immediately. Compliance of this order shall be reported to this Court on 01/07/2022.”

8. In view of the above, the corrected copy of our order dated 11/04/2022, shall be uploaded.

9. Civil Application No.7032/2022 is accordingly Disposed off.

10. List Writ Petition No.2040/2019 along with Writ Petition No.1994/2019 and 2319/2019, on 01/07/2022.

11. For reference purpose, Writ Petition No.6758/2016 shall be placed along with these matters.

**(S. G. DIGE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk