

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

**87 CONT. PETITION NO.369 OF 2022
IN WP/10677/2021**

**SHRIMANT VALMIK BHUSE
VERSUS
THE STATE OF MAHARASHTRA GENERAL ADMINISTRATION
DEPARTMENT AND OTHERS**

...
Advocate for Petitioner : Mr. G.K. Chinchole h/f. Mr. S.C. Yeramwar
AGP for Respondent/State : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : AUGUST 23, 2022.

PER COURT :

1. The petitioner relies upon paragraph 4 of the order of this Court, dated 27.9.2021, passed in Writ Petition No. 10677/2021, which reads as under :-

“4. In case, respondents want to take action against the petitioner of placing the petitioner on supernumery post or otherwise, then notice shall be issued to the petitioner giving opportunity to show cause. In that event, the petitioner can file reply and bring all the relevant facts to the notice of the respondent-Committee.”

2. The learned counsel for the petitioner submits that a separate order has not been passed by the employer, so also overtime work is not being allotted to him and he is not in a position to earn overtime salary.

3. We are of the view that once the order posting the petitioner on supernumerary post is quashed, there is no separate order to be issued by the employer. Moreover, the petitioner does not have a vested right to do overtime work, as if earning overtime salary is an enforceable right against the employer.

4. In view of the above, we do not find that the petitioner has made out a case of willful, intentional and deliberate disobedience of the order of this Court.

5. This petition is, therefore, dismissed.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/