

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.406 OF 2022
IN
WRIT PETITION NO.9206 OF 2021

Nava Samaj Mandal & Anr. .. Applicants

In the matter between :-

Nava Samaj Mandal & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

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Mr.Mistri with Ms.Rutuja Joshi for the Applicants.

Mr.Hiral Thakkar for the Respondent No.4.

Mr.P.P.Pujari, AGP for the State/Respondent Nos.1 and 2.

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CORAM: RAVINDRA V. GHUGE, J.

DATED : 01st FEBRUARY, 2022

P.C:-

1. By this application, the applicants/original petitioners have proposed amendments in the form of paragraphs 16A, 16B, 19A, ground at VI, paragraph 21A and prayer clause (bi).
2. The petition is at pre admission stage. Notices are yet to be issued to the parties.
3. I have considered the submissions of the non-applicants.
4. In view of the above, this interim application is allowed with the following direction :-

(a) The formal amendment would be carried out on or before 18/02/2022 and a newly typed amended writ petition memo shall be filed on or before the same date.

5. Since all the parties have appeared on behalf of respondent Nos.1, 2 and 4 and since respondent No.3 is a formal party, the appearance of the learned Advocates on behalf of all the litigating parties is recorded.

6. Respondent No.4 is at liberty to enter his affidavit-in-reply on or before 04/03/2022.

7. List this petition for admission/hearing on 09/03/2022.

8. The learned counsel for the Management has sought protection against the execution proceedings filed under Section 13 of the MEPS Act. Considering the impugned judgment of the Tribunal, I have called upon the learned counsel for the Management to deposit five months' wages, which, is a period that has lapsed without reinstating the employee. The learned counsel for the Management is not inclined to deposit the amount on the ground that there was a resignation. As such, there would be no interim relief at this stage.

(RAVINDRA V. GHUGE, J.)