

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4540/2008

Abhimanyu S/o Ganesh Surkar (dead)
through Legal Representative Pravin
S/o Abhimanyu Surkar, aged about 39 Yrs.,
Occ. Service, R/o Pragatinagar, Plot No.23,
Near Doctor's Colony, Nagpur -27. ... Petitioner

- Versus -

1. The State of Maharashtra,
through the Secretary, General
Administration Department,
Mantralaya, Mumbai -32.
2. The Divisional Commissioner,
Nagpur Division, Nagpur.
3. The Chief Executive Officer,
Zilla Parishad, Nagpur.
4. The Education Officer (Primary),
Zilla Parishad, Nagpur.
5. The Block Education Officer,
Panchayat Samiti Mouda,
Dist. Nagpur. ... Respondents

None for the Petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for
Respondent Nos.1 and 2.

None for Respondent Nos.3 and 4.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 7 APRIL 2022

P.C. :

None appears for the Petitioner again.

2. The Petitioner has sought special pay due to him for the period from 1 July 2001 to 24 February 2005 i.e. till his retirement with 12% per annum interest. Claim of Petitioner for a special pay of having worked with an additional charge is based on Government Resolution dated 10 May 1990 which provides that if an additional charge is given, 10% additional pay to the extent of ₹ 500/- per month can be given. The record of the petition shows that the stand of State is that for 12 months the Petitioner was given the said amount of 10% additional pay but

remaining amount was refused because requisite permission was not taken before giving charge. The stipulation of taking permission is included in the Government Resolution dated 10 May 1990 itself.

3. The Petitioner has since expired, the petition is prosecuted through his son. None appeared for the Petitioner on two occasions and considering that part of the payment is already made, it appears that Petitioner has lost interest in prosecuting this petition.

4. Writ petition is dismissed for non-prosecution.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)