

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (O) NO. 242/2019 IN
MISC. CIVIL APPLICATION (ST) NO. 29151/2018 (For Review) IN
WRIT PETITION NO. 4429/2018 (D)

(Kamlakar Jenraoji Tupat Vs. State of Maharashtra & anr.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Alok Daga, Advocate for applicant.

Mr. N. P. Mehta, Assistant Government Pleader for
respondent No.1.

Mr. Milind Rathi, Advocate for respondent No. 2.

CORAM : A. S. CHANDURKAR &
VINAY JOSHI, JJ.

DATE : 10.06. 2022.

Heard.

2. The applicant is seeking for condonation of
delay of 110 days caused in filing application for
seeking review of order dated 24.07.2018 passed in
Writ Petition No. 4429/2018.

3. The other side objected this application.

4. For the reasons stated in the application,
delay stands condoned and application stands disposed
of.

MISC. CIVIL APPLICATION (ST) NO. 29151/2018

1. Heard.

2. The applicant/petitioner is seeking restoration of Writ Petition No. 4429/2018 in the form of review petition. It is urged that the applicant had filed petition seeking direction to pay gratuity amount and leave encashment. It is argued that writ petition was disposed of on account of alternate remedy available under the provisions of Payment of Gratuity Act. It is submitted that the applicant has resorted alternate remedy, in which he received gratuity amount. However, according to the applicant, there is no alternate remedy for grant of leave encashment.

3. Having regard to the above facts, application is allowed and writ petition No. 4429/2018 restored.

4. Application stands disposed of.

Writ Petition No. 4429/2018

1. Issue notice to the respondents returnable after two weeks.

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2. Ms. N. P. Mehta, learned Assistant Government Pleader waives service of notice for respondent No.1/State and Mr. Milind Rathi, learned Advocate waives service of notice for respondent No. 2.

JUDGE

JUDGE

Gohane.

JITENDRA
BHARAT
GOHANE

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signed by
JITENDRA
BHARAT
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