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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2482 OF 2023

Zilla Parishad Thane

.. Petitioner

Versus

Ashok Ramchandra Bhagwat & Ors.

.. Respondents

Ms. Advaita M. Lonkar for petitioner.

Mr. Shantanu Raktate a/w Mr. Amar Parsekar for respondent no.1.

Mrs. R. A. Salunkhe, AGP for State.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 27, 2023

P.C.:

1. We have heard the learned counsel for the petitioner and the learned counsel for the respondent no.1.

2. The petitioner seeks extension of time to comply the order passed by the Maharashtra Administrative Tribunal, Mumbai (hereafter "the Tribunal", for short) in Original Application No. 999 of 2021 dated 24th January, 2022. As per the order of the Tribunal, one month time was granted to the petitioner to release the retiral benefits and to pay the cost. The departmental enquiry was directed to be completed within two months.

3. The petitioner moved Misc. Application No. 110 of 2022 before the Tribunal for extension of time. The Tribunal under order dated 9th March, 2022 granted two weeks' extension to comply the order passed by it in Original Application.

Thereafter, second Misc. Application bearing No. 156 of 2022 was filed by the present petitioner seeking further extension of time to comply the order passed by the Tribunal in Original Application No. 999 of 2021. Said application is rejected on 23rd March, 2022. Aggrieved thereby, the present writ petition.

4. The learned counsel for the petitioner submits that, in fact, the departmental enquiry was pending against the petitioner with serious charges and on 20th September, 2022 punishment was imposed against the petitioner in the departmental enquiry. The respondent no.1 is not co-operating with completing the service book. The petitioner is in the process of completing the service book of the respondent no.1 and two months further extension is solicited.

5. The learned counsel for the respondent no.1 opposes the prayer for further extension and submits that the petitioner is harassing the respondent no.1. More than one year has lapsed since the Tribunal had directed the petitioner to comply the order. The respondent no.1 is also not paid the provisional pension by the petitioner. According to the learned counsel, the respondent no.1 has filed a contempt petition before the Tribunal and as such the present writ petition is moved.

6. The learned counsel for the petitioner submits that the petitioner has paid provisional pension to the respondent no.1 for the period of one year and the GIS is also paid.

7. We need not go into the said aspect. Suffice it to observe that even after punishment imposed upon the respondent no.1, five months have lapsed. The order of Tribunal ought to have been complied with.

8. We, by way of last opportunity, grant four weeks' time to the petitioner to comply the order of the Tribunal, failing which the consequences would follow.

9. The writ petition is disposed of accordingly. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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