

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

Civil Application (CAW) No.2472 of 2022

In

Writ Petition No.5089 of 2021

Mrs. Pallavi Ganesh Chavan

Versus

Lokmanya Tilak Jan Kalyan Shikshan Sanstha and others

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

Court's or Judge's order

Shri A.P Raghute, Counsel for Petitioner.

Ms Ayushi H. Dangre, Counsel for Respondent Nos.1 and 2.

Shri S.S. Godbole, Counsel for Respondent No.3.

Ms N.P. Mehta, Assistant Government Pleader for Respondent No.4.

Shri N.P. Lambat, Counsel for Respondent No.5.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 19th JUNE, 2023.

Civil Application (CAW) No.2472 of 2022 :

1. By this application, the petitioner seeks to amend the writ petition by making a prayer to direct the respondent Nos.1 and 2 to pay arrears of difference of salary as per the recommendations of 6th and 7th Pay Commissions. Another prayer is to direct the said respondents to pay subsistence allowance in accordance with law to the petitioner from the month of September 2021.

2. In the reply filed by the respondent Nos.1 and 2, it is stated that by seeking the difference of salary on the basis of the recommendations of the 6th and 7th Pay Commissions, the nature of the writ petition will be changed. The application is therefore opposed.

3. We find that initially the petitioner had challenged the order of suspension dated 23-8-2021 as well as the chargesheet issued on 16-9-2021. Since the order of suspension was under challenge, we are inclined to allow the application for amendment partly. So far as Paragraph 29A and Prayer Clause 3A are concerned, which are sought to be amended, we find that the same give a different cause of action to the petitioner. This amendment

therefore cannot be granted. However, the amendment is granted so far as Paragraph 29B and Prayer Clause 3B are concerned.

4. The necessary amendment be carried out within a period of one week.
5. The civil application is disposed of.

Writ Petition No.5089 of 2022 :

Stand over three weeks to enable the respondents to file their reply to the amended pleadings.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR