

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

MISC. CIVIL APPLICATION NO. 1370 OF 2018 (FOR REVIEW)

IN

WRIT PETITION NO. 6631 OF 2018 (D)

Dr. Pravin Chudaman Bhagar, Nagpur vs. State of Maharashtra and others

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

Court's or Judge's Orders.

Mr. P. N. Shende, Advocate for applicant.
Mr. N. S. Rao, AGP for respondent 1 to 3.
Mr. Shaikh Majid, Advocate for respondent 4.

CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, J.
DATE : 04/07/2023

The substantive prayers sought in Writ
Petition 6631 of 2018, reads thus :-

“(A) To Direct the Respondent no.1, State of Maharashtra, through its Secretary, Department of Health, Mantralaya, Mumbai – 32, to forthwith release the salary of the Petitioner, for the period from 30-06-2006 to 06-03-2008.

(B) By way of Interim Orders, To Direct the Respondent no.1, State of Maharashtra, through its Secretary, Department of Health, Mantralaya, Mumbai – 32, to forthwith release the salary of the Petitioner, for the period from 30-06-2006 to 06-03-2008, subject to the final decision of the instant petition.”

2. The petition is dismissed by the coordinate Bench vide order dated 08/10/2018.

3. The order dated 08/10/2018 reads thus :-

“The petitioner claims arrears of salary from 2006 to 2008.

2. Explanation is, as the bills were being prepared the time has lapsed and previous approval of Government is necessary. The learned AGP has invited our attention to Government Resolution dated 09-02-2009.

3. That Government Resolution regularizes the employment of the petitioner as one time exercise. It does not permit wages for a prior period. We, therefore, find grievance misconceived. It is rejected.”

4. The learned counsel for the petitioner Mr.Shende states that the order of the dismissal is passed presumably since the High Court was under the impression that the petitioner is seeking the benefits of regularization and consequentially enhanced salary for period prior to the order of regularization dated 09/02/2009. Learned counsel Mr.Shende, however, submits that what the petitioner was seeking was the wages for duties actually discharged from 30th July, 2006 to March, 2008.

5. Learned counsel Mr.Shende submits that there is an apparent error on the face of the record.

6. We agree. We allow the application seeking review of the order dated 08/10/2018 in Writ Petition 6631 of 2018 is restored to file.

7. Let the Writ Petition 6631 of 2018 to be listed for final disposal at the stage of admission on 18/07/2023.

JUDGE

JUDGE