



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4033 OF 2018

SANTOSH VASANT RASANE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Shri Bide Dnyaneshwar A., Advocate for the Petitioner.
Shri M.K. Goyanka, AGP for Respondent Nos.1 to 10/State.
Shri B.R. Surwase, Advocate for Respondent Nos.11 and 12.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 03rd December, 2024

Per Court :-

Heard the learned advocate for the petitioner and the learned AGP, as also, the learned advocate who appears for respondent Nos.11 and 12.

2. It is yet another matter wherein, the petitioner, who had worked as the Government Pleader for the State in defending the Land Acquisition References, is awaiting remuneration.

3. Though it is being pointed out that pursuant to the directions of this Court in the matter ***Suresh Shamrao Kamble vs. The State of Maharashtra and others*** in Writ Petition No.11417/2012 dated 09.05.2014 (Principal Seat), the State Government has evolved some policy and has taken the decision

on 31.07.2014 regarding payments to be made to the Government Pleaders, we are merely concerned with the fact that the policy seems to be a dead letter rather the State itself has made it a dead letter by not acting pursuant to such policy, else, though the petition was filed way back in the year 2018, things would not have remained at the same stage. Leave alone filing of any reply, even otherwise the respondents could have independently and parallely undertaken some exercise in tune with the government decision and could have arrived at its own conclusions and paid the petitioner something.

4. If this is the state of affairs at the level of the State Government, this Court cannot turn a blind eye, rather would be bound to vindicate the rights of the petitioner and compensate him not only directing due remuneration to be paid to him, but with interest.

5. As recently as in the matter of ***Balajirao Ramrao Bhosale and another vs. The State of Maharashtra and others***, Writ Petition No.9057/2021, the Division Bench of this Court by the order dated 26.07.2024 had issued certain directions regarding similar grievance.

6. In the light of above, we allow the Writ Petition with direction to respondent No.4/ Collector to immediately process the bills submitted by the petitioner and if those are not traceable, shall process his claim on the basis of the bills filed in this petition along with the application dated 27.10.2017 at Exhibit A and ensure that necessary enquiry is made and the amount is actually disbursed to the petitioner as expeditiously as possible and in any case within six weeks, together with interest at the rate of 9% per annum from the date of individual bills. If the amount is not disbursed within the time stipulated herein above, the amount shall carry interest at the rate of 12% per annum.

7. As regards the liability of respondent Nos.11 and 12 being acquiring bodies to reimburse the State Government, we have not dealt with the said issue for the simple reason that there is no privity of contract between the petitioner and respondent Nos.11 and 12. It would be the matter to be dealt with by the respondents *inter-se*, but that shall not be an impediment and a reason for the Collector to follow the aforementioned directions.