

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

**INTERIM APPLICATION NO.7830 OF 2024
IN
WRIT PETITION NO.1128 OF 2014**

Dattatraya Hariba Mulik

....Applicant

V/s.

Maharashtra State of Road
Transport Corporation

....Respondents

Mr. Prakhar Tandon with Mr. Irfan Khan i/b. Ms Sudha Dwivedi
for the Applicant.

Mr. Nitesh Bhutekar for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 18 September 2024.

P.C. :

1. The Interim Application is filed complaining about non-implementation of consent terms dated 13 August 2015, which are accepted by this Court by order dated 14 August 2015. The grievance of the Applicant is that the entire intervening period from the date of termination till date of reinstatement was to be computed towards continuous service for all purposes except for backwages. He would submit that Respondent -Corporation has not paid notional increment to the Applicant during the intervening period, which has resulted in receipt of lesser retirement benefits at the time of Applicant's retirement on 31 May 2021. His grievance is also that intervening period has not been taken into consideration for calculation of gratuity.

2. *Prima facie*, it appears that the Applicant has not made any representation to the Respondent -Corporation with regard to his grievances. Ideally, if the salary of the Applicant was erroneously fixed at the time of his reinstatement in 2015 (by ignoring notional increment), Applicant ought to have raised grievances in that regard immediately on his reinstatement. Admittedly, the same is not done. However, if Applicant has any grievances with regard to improper fixation of his salary upon his reinstatement, he will have to first make a representation to the Respondent-Corporation. The said grievance cannot be agitated by filing an interim application in a disposed of Petition.

3. Accordingly, the Applicant would be at liberty to make a representation within a period of four weeks from today. The representation shall be decided within a period of four weeks from the date of receipt thereof. In the event, any adverse order is passed by the Respondent-Corporation, the Applicant would be at liberty to exercise remedy in accordance with law against the said order.

4. With the above directions the Interim Application is disposed of.

[SANDEEP V. MARNE, J.]