

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1013 OF 2025

IN

WRIT PETITION NO. 7842 OF 2015

Vivek Vittalrao Holsambre

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO. 7842 OF 2015

- Mr. Deshpande Gaurav L, for Applicant.
- Mr. R. K. Ingole, AGP for Respondent No.1.
- Mr. S. B. Ghute, for Respondent Nos.2 to 5.

**CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25th AUGUST 2025.

P. C. :

1. This is an application seeking restoration of position of the writ petition as it stood on 08th February 2016.

2. In this petition filed as far back as in the year 2015, notice was issued on 21st December 2015, wherein the then learned AGP waived notice for respondent No.1 and the petitioner was additionally permitted to serve respondent Nos.2 to 5 by way of private notice and file an affidavit of service. Spare copies were not supplied, due to which, by an order dated 08th February 2016, this Court granted time

of one week to take necessary steps and further directed that in case of failure thereof, the petition would stand dismissed as against respondent Nos.2 to 5, without reference to the Court.

3. No steps were taken and the said order had its effect.

4. The present application is filed after more than eight (08) years in the year 2024 and it suffers from delay of 2973 days, praying for restoration of the petition as against respondent Nos.2 to 5.

5. The facts of the present case indeed demonstrate that the petitioner has not been diligent in pursuing the writ petition. The present application has been filed after more than eight (08) years.

6. But, we find that the grievance of the petitioner is with regard to non-payment of subsistence allowance during the period when he was suspended, pending enquiry.

7. Although the learned counsel appearing for respondent Nos.2 to has vehemently opposed the present application, we are inclined to allow the same by imposing appropriate costs in the matter.

8. In view of the above and for the reasons stated in the application, the same is allowed in terms of the prayers made in the

application, subject to payment of cost of Rs.10,000/- by the applicant/petitioner. The said amount shall be paid in the account of the “Creche / Day Care Centre” Advocates’ Association of Bombay, High Court Aurangabad, within a period of two weeks from today.

9. Since respondent Nos.2 to5 are represented today by counsel, he waives notice in the writ petition also.

10. Reply affidavits, if any, be filed on behalf of the respondents within three weeks from today.

11. Rejoinder affidavit, if any, be filed within two weeks thereafter.

12. List the writ petition on **01st October 2025**.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)