

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3764 OF 2024
IN
WRIT PETITION NO. 3011 OF 2006

Kishore P. Mantri	...Applicant
In the matter between	
Kishore P. Mantri & Anr.	...Petitioners
Vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. Rajesh Sahani i/b. Devmani Shukla for Applicant/Petitioner.
Mr. R. V. Paranjape for Respondent No.4.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 06 NOVEMBER 2025.

P.C.

1. We have heard learned counsel for the parties on this interim application filed by original petitioner no.1. The prayers as made in the interim application read thus:-

“(a) For an order of this Hon’ble Court directing the Respondents to immediately and forthwith and under any circumstances within a period of 4 weeks make payment of Rs. 18,20,855/- along with interest @ 18% p.a. w.e.f. 2007 (Exhibit B-2 being RTI Reply dated 14.10.2013) upon the same till it is actually paid to the Applicant.

(b) For an order of this Hon’ble Court fixing a particular date and time for final hearing and disposal of the Writ Petition No. 3011 of 2006 in accordance with law.”

2. The interim application was heard by us on 08 October 2025 when we had passed the following order:-

“1. This interim application filed by the petitioners in the aforesaid writ petition which is pending final hearing. The prayer of the petitioners is that there are arrears of salary which are of the legal dues which are payable to the petitioners in respect of which communication dated 12 November 2024 has already been addressed by the Directorate of Technical Education to the Joint Director, Office of Technical Education,

a copy of which was already forwarded to respondent No.4 – Sasmira’s Institute of Man-Made Textiles, Worli, Mumbai. In pursuance thereto, the petitioner has approached the employer – respondent No.4, also as requested by respondent No.4 an undertaking dated 28 November 2024 was submitted to recover any excess payment if made on account of revised pay fixation and if any dispute arises in that regard. According to the petitioner, the amount which is payable is Rs.19,40,492/- as per the calculation in the additional affidavit at page 55. However, from the note on the communication of the Director, Technical Education, it appears that the amount is required to be calculated from 27 February 2003, hence, the amount of Rs.19,40,492/- cannot be the correct amount. We accordingly, permit the petitioner to furnish the calculation as also respondent No.4 is permitted to undertake an appropriate calculation. Let such exercise be completed on or before 13 October 2025.

2. We direct respondent No.4 to deposit the amount due and payable to the petitioner in this Court within a period of 10 days from today. After such amounts are deposited, we shall hear the parties on the present application and pass appropriate orders.

3. Although interim application is served on the respondents, no reply affidavit so far has been filed. We permit the respondents to file reply affidavits. Let the same be filed within two weeks from today.

4. Needless to observe that respondent No.4 being fully aided entity, it would be entitled to get reimbursement of the said amount from the State Government.

5. List the proceedings for further consideration on 6 November 2025. FOB.”

3. In pursuance of the specific directions in paragraph 2, Mr. Paranjpe, learned counsel for respondent no.4 informs the Court that an amount of Rs.11,64,378/- has been deposited in this Court. Learned counsel for the applicant has filed an additional affidavit in respondent no.4 taking a position that an amount of Rs.11,64,378/- is the amount which would become due and payable to the applicant. According to the applicant, the correct amount which would become payable is Rs.19,40,492/-, as already observed in paragraph 1 of our order dated 08 October 2025. Thus, there is a difference in the calculations or the positions which are taken by the applicant and respondent no.4 and there is a difference of about Rs.7.5 Lakhs.

4. We do not intend to delve on such issue at this stage of the proceedings. Hence we keep open such contentions to be considered in a fresh application, which we permit the petitioner/applicant to file. We also permit the applicant to withdraw the amount of Rs.11,64,378/- as deposited by respondent no.4 in this Court, with liberty to the applicant to file a fresh application, for the claim of the additional amount which is stated to be an amount of Rs.19,40,492/- minus the amount which is deposited i.e. Rs.11,64,378/- i.e. an amount of Rs.7,76,114/-, which according to the applicant would be payable to him and disputed by respondent no.4. The application is accordingly disposed of in terms of the following order:-

ORDER

- i. The applicant is permitted to withdraw an amount of Rs.11,64,378/- from this Court. The Registry shall credit such amount in the petitioner's bank account by following the usual procedure and as per law.
- ii. The applicant is at liberty to file a fresh application to make a claim of Rs.7,76,114/-. All contentions of the parties in that regard are expressly kept open.
- iii. As Respondent no.4 is a fully aided institute, is permitted to seek reimbursement of the amount of Rs.11,64,378/- from the State Government. If such an application is made, the same be decided by the competent authority of the State Government within a period of 4 weeks from the date of such application is made. All contentions of the parties in that regard are expressly kept open.
- iv. Interim application stands disposed of in the aforesaid terms. No costs.
- v. Registry as also the parties to act on an authenticated copy of this order.
- vi. Mr. Takke, learned AGP to inform the concerned Department of this order.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)