

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

WRIT PETITION No.2888 OF 1999

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| <p>1. Shri Patil Madhav Bhivsan
deceased through LR's</p> <p>1-A Smt. Sudha Madhav Patil,
Age-60 years, Occu- Household,
R/o. Chopda, Dist. Jalgaon.</p> <p>2. Shri Borase Vishwas Santosh,
Deceased through LR's</p> <p>2-A Smt.Ranjana Vishwas Borase,
Age-45 years, occu. Service,
R/o. Chopda, Dist. Jalgaon.</p> <p>3. Shri Shisode Vivek Gajmal,
Age-40 years,</p> <p>4. Shri. Patil Sanjay Tukaram,
Age-33 years,</p> <p>5. Shri. Sathe Anil Pandit,
Age-32 years,</p> <p>6. Shri. Patil Govardhan Chhagan,
Age-34 years,</p> <p>7. Shri. Patil Hemant Baburaom
Age-33 years,</p> <p>8. Shri. Patil Ramesh Eknath,
Age-32 years,</p> <p>9. Shri. Mahajan Anilkumar Ramesh,
Age-30 years,</p> <p>10. Shri. Vaidya Hemant Umakant,
Age-31 years,</p> | <p>..PETITIONERS</p> |
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11. Shri. Todkar Santosh Jagannath,
Age-31 years,

12. Shri. Patil Rajesh Vijay,
Age-30 years,

13. Shri. Patil Sambhaji Arvind,
Age-36 years,

Occ. of all petitioners -Service,
In R-2 under R-1 R/o. C/o.
Principal, Industrial Training Centre,
Chopda, Dist. Jalgaon.

VERSUS

1. Mahatma Gandhi
Taluka Shikshan Mandal,
Chopda, Dist. Jalgaon,
Through its President.

..RESPONDENTS

2. Industrial Training Centre,
Chopda, Dist. Jalgaon,
Run by Mahatma Gandhi Taluka
Shikshan Mandal, Chopda,
Through its Principal.

3. The State of Maharashtra,
through the Secretary,
Technical & Higher Education Dept,
Mantralaya Extension, Mumbai-32.

4. The Director of Vocational
Education & Training,
3, Mahapalika Marg,
Mumbai-400 001.

5. The District Vocational Education &
Training Officer,
Jilha Peth, Jalgaon.

Mr.Ajay S. Deshpande, Advocate for the petitioners
Mr.K.J.Ghute Patil, A.G.P. For respondent/State
Mr.B.R.Warma, Advocate for respondents No.1&2

**CORAM : A.V. NIRGUDE &
V.K. JADHAV JJ.
DATE : 28TH JANUARY, 2015**

ORAL JUDGMENT [PER : A.V. NIRGUDE,J.] :-

1. This petition seeks direction to pay salaries to the petitioners as per the pay-scale prescribed and pay the difference between the dues and the drawn salary. The petitioners were working as "Instructors" in respondent No.2 which is run by respondent No.1. Respondent No.2 is the Industrial Training Center at Chopda. This is a non-government/non-aided training center. It was established as per the permission granted by the National Council for Vocational Training. It is also affiliated to the said Council.

2. The Director of Technical Education of Vocational Training, State of Maharashtra, issued a letter/circular dated 29.05.1998 directing all the training institutes similar to respondent No.2 that they should pay certain salary to their teachers and other staff members. Accordingly, it seems that respondent No.2 sent a compliance report on 22.06.1998. In other words respondent Nos.1 & 2 are not opposed to pay salary to its employees as per the directions contained in Circular dated 29.05.1998. Despite this, there is complaint of either non-payment

of salary or less-payment of salary against them. The petitioners asserted that they were not paid fully as per the Circular dated 29.05.1998. Since there is no dispute between the parties that respondent Nos.1 & 2 are under obligation to pay salary to the petitioners as per the circular dated 29.05.1998, it is merely a matter of calculation to find out as to whether the petitioners are entitle to more amount than what they admittedly received. Such calculation should be undertaken by the parties and respondent Nos.1 & 2 should pay the amount, if found payable along with interest @6% p.a. till the amount is fully paid.

3. The writ petition is allowed in above terms. Rule made absolute accordingly. No costs.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]