

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7726 OF 2015
IN
CIVIL APPLICATION NO. 8837 OF 2014
IN
WRIT PETITION NO. 5354 OF 2008

THE ZILLA PARISHAD, PUNE,
THROUGH THE CHIEF EXECUTIVE OFFICER KANTILAL B. UMAP AND
ANOTHER
VERSUS
SATISHKUMAR KISANRAO RAYALWAD AND OTHERS

.....
Advocate for applicants : Mr. S.J. Raikar
AGP for respondent : Mr. R.P. Phatke
Advocate for original petitioner: Mr. S.B. Gastgar
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 17th JULY, 2015

P.C. :-

1. The learned counsel for the applicants, submits that the applicants are not parties in the writ petition. However, Civil Application is filed and pending seeking leave to add present applicants as parties to the writ petition pending before this Court. In Civil Application No. 8837 of 2014, this Court had directed the non-applicants 5 and 6 in the said Civil Application to pay the salary as is applicable. According to the learned counsel, this Court does not have the territorial jurisdiction to try and entertain the writ petition. When the present applicants are not added as parties to the writ petition, the directions could not have been given by this Court to pay

salary to the non-applicants/original writ petitioners. The learned counsel submits that the non-applicant was duty bound to submit the validity certificate on account of invalidation of his caste claim. The non-applicant cannot claim any right. Even he had given undertaking to the employer about the said fact.

2. We have also heard Mr. Gastgar the learned counsel for original petitioner.

3. The writ petition is already admitted on 26.02.2009. Interim relief is granted to the extent that the committee shall not proceed with any action on the criminal side against the petitioner.

4. It is not disputed by the learned counsel for the applicants that the petitioner is still continued in service and even as on today, is in service with the Zilla Parishad School.

5. While passing the orders in Civil Application No. 8837 of 2014 on 14.11.2014, we had recorded the statement of the learned counsel for the present applicants that original writ petitioner is still continued in service. The said Civil Application was filed for payment of salary as the original writ petitioner is continued in service even today. The employer is bound to pay salary to the petitioner as is

admissible to the post on which the original writ petitioner is working. We had only passed the said order. The Civil Application is disposed of in terms of order passed by us on 14.11.2014, stating that the respondent Nos. 5 and 6 in the said civil application i.e. present applicants shall pay the salary regularly as applicable to the post on which the petitioner is working. Save and except the said order, no other directions are given by us.

6. As far as the contention of the learned counsel for the applicants about the lack of territorial jurisdiction of this Court is concerned, the same at this stage cannot be considered as Rule is already granted in the writ petition in the year 2009 itself and the said petition is pending for final hearing.

7. As far as Civil Application filed by the present original writ petitioner for adding present applicant as party is concerned, the same may be placed before the appropriate Court.

8. The Civil Application is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)