

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.6346 OF 2014
WITH
WRIT PETITION NO.6345 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.I.Wakade, advocate for the petitioners.
Mr.K.G.Patil, Mr.G.K.Naik Thigle, Addl. Govt. Pleaders for the State.
Mr.P.S.Dighe, advocate with Mr.V.R.Dhorde, advocate for Respondent Nos.4 and 6.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.
Date : 27.01.2015.**

PER COURT :

1. Heard.
2. The petitioners are claiming salary from 1.5.2012 to 24.6.2012. Learned counsel for the petitioners submits that the petitioners are entitled for the salary as the matters were being litigating before this Court, the transfer orders were received late and also there was vacation and the petitioners are entitled for vacation. The learned counsel for petitioners relies on Rule 13(1), 13(4) so also Rule 16 (19) of the MEPS Rules.
3. Mr.Dighe, learned counsel for Respondent Management

submits that the petitioners were issued order of transfer on 2.5.2012, they were relieved on the same day, however, did not join at the transferred place. The petitioners are also not entitled for the joining time for the transfer in vacation. The learned counsel relies on proviso to Rule 41 of the MEPS Rules. The learned counsel submits that even approval has been granted by the Education Officer to the petitioners from 25.6.2012, as such they will not be entitled for the salary for May and upto 24.6.2012. Mr.Wakade, learned counsel submits that in W.P.No.6346/2014, even the Education Officer has directed Respondent Headmaster to submit the salary bills of the petitioner for May and 24 days of June 2012.

4. The order of approval shows that the same is from 25.6.2012 as per approval order dated 27.7.2012. It is also a fact that the Education Officer has issued letter to the Management to submit the salary bill of the petitioner in W.P.No.6346/2014 for the period May 2012 and 24 days of June 2012.

5. The Education Officer shall decide the entitlement of the payment of salary of the petitioners for the period May 2012 and 24 days of June 2012, considering the provisions of Rule 13, 16 and 41 of the MEPS Rules. The said decision shall be taken expeditiously after hearing the parties preferably within six (6) months.

6. The Writ Petitions are accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt . . 27 . 01 . 2015 .
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