

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

WRIT PETITION NO. 10211 OF 2012

Dhananjay Dhondiram Phad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ramesh I. Wakade, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Jadhavar, Advocate for Respondent Nos. 3 and 4.

**WITH
WRIT PETITION NO. 10176 OF 2012**

Shankar Nivrutti Tambde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ramesh I. Wakade, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Jadhavar, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 16TH JULY, 2015.

PER COURT :

. Mr. Wakade, the learned counsel for petitioners states that, the petitioners are not paid salary since the year 2006 till the date of their termination. According to the learned counsel, the

petitioners are entitled for the salary for the period from 12.06.2006 till 10.08.2012. The petitioners have actually worked with respondent Nos. 3 and 4. The respondents have denied the salary to the petitioners. As the petitioners have worked with the respondent/institution, the petitioners are entitled for the salary from the institution.

2. Mr. Jadhavar, the learned counsel for respondent Nos. 3 and 4 submits that, the petitioners are not entitled for salary, as the respondents have already terminated the petitioners and they were not continued in service.

3. The amount of salary and quantum of salary due and payable is disputed question of fact. Even the claim prior to three years of filing of petitions cannot be considered. As it is a disputed question of fact, it would be appropriate to relegate the parties before the Deputy Director of Education to consider the claim of petitioners and arrive at findings as to the salary due and payable to petitioners and its quantum.

4. In the light of the above, we dispose of writ petitions by relegating the parties before the Deputy Director of Education. The petitioners may lodge their claim with the Deputy Director of Education, who shall consider the claim of petitioners prior to three years of 2012 regarding payment of salary after hearing the petitioners and respondent Nos. 3 and 4. The parties are at

liberty to place on record before the Deputy Director of Education all the relevant documents relied by them. On receipt of claim from petitioners, the Deputy Director shall decide the same expeditiously and preferably within a period of six months from the date of receipt of the claim by it from petitioners. No costs. All contentions of parties are kept open.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15