

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9258 OF 2013
(Pathan Ejaj Ibrahim Vs.The Secretary, Bori Shikshan Prasarak
Mandal and others)

WITH
WRIT PETITION NO.6899 OF 2013
WITH
CONTEMPT PETITION NO.529 OF 2013

Mr.R.J.Godbole, Advocate for the petitioner.
Mr.V.D.Gunale, Advocate for respondent No.1.
Mr.D.R.Korde, AGP for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/09/2015

PER COURT :

1. Learned Advocates for the respective sides Mr.Godbole and Mr.Gunale jointly submit that the dispute in between the Management and the concerned employee namely Mr.Pathan Ejaj Ibrahim has been resolved amicably in the light of the fact that the said employee was declared surplus and was subsequently absorbed w.e.f. 10/01/2015 with another Institution.

2. Mr.Gunale makes a statement on behalf of the Management that the service book of the employee has been prepared and has been forwarded to the competent authority of the Education Department which is the Deputy Director, Higher Education. He

further states that the Last Pay Certificate has also been issued.

3. Mr.Godbole submits that the issue pertaining to the arrears of salary of the employee from the date of judgment of the School Tribunal which is 25/07/2013 till 10/01/2015, has been resolved in such a manner that the Management agrees to forward the salary bills of the employee treating him as having been reinstated w.e.f. 26/07/2013 till 09/01/2015 (date of absorption 10/01/2015) to the Education Officer and the Education Officer would consider the said bills and would release the salary of the employee from the salary grants available to the Institution, strictly in accordance with the rules.

4. Mr.Gunale confirms the said statement.

5. Learned AGP submits that the Education Department would consider the salary bills strictly as per the Law and would pass necessary orders considering the fact that the salary grants are available to the Management.

6. Mr.Godbole submits that the only undecided issue is that the employee has not been paid his salary from 01/01/2012 till

13/03/2012 while in service. Mr.Gunale submits that the Management will have to explore / investigate as to whether the employee actually worked during this period or whether he was on leave or was unauthorizedly absent.

7. Mr.Godbole, therefore, suggests that the employee would make a representation for claiming the said salary to the Education Officer with a copy to the Management. The Education Officer shall investigate on the basis of the representation and shall pass an appropriate order in accordance with the rules after hearing the Management.

8. Mr.Gunale is agreeable for that. Learned AGP for the Education Officer submits that the order on the representation would be passed strictly in accordance with Law.

9. Considering and recording the above referred statements, as being statements made to this Court, the two writ petitions are disposed off. Consequentially, the contempt petition is withdrawn by the employee, who is present in the Court today and hence the same is also disposed off.

(RAVINDRA V. GHUGE, J.)