

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2020 OF 2013

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.A.M.Gaikwad, advocate for the petitioners.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.

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

Date : 27.01.2015.

PER COURT :

1. Heard.

2. Mr.Gaikwad, learned counsel for the petitioners states that the salary from 1.5.2010 to 25.8.2012 has not been paid to the petitioners though the petitioners have worked for the said period. Thereafter, the petitioners have resigned. According to the learned counsel, the petitioners are duly appointed by the Management. Even the proposal was submitted by the Respondent-Management to the authority. The authority rejected the proposal as far as petitioner No.3 is concerned, however, no decision is taken on the proposal regarding the petitioner Nos.1 and 2. The learned counsel submits that petitioners are entitled for the salary for the period the petitioners have discharged their duties.

3. Mr.Kulkarni, learned counsel for the Management submits that in fact, the proposal of petitioner Nos.1 and 2 is not yet decided. The Respondent-Management has already submitted the roster duly verified. According to the learned counsel, the Respondent-Management is not at fault.

4. We have heard learned Addl. Govt. Pleader also.

5. The Respondent-institution does not dispute that the petitioners have worked from 1.5.2010 to 25.8.2012. Even the Management had forwarded proposal of the present petitioners. It is also a matter of record that the proposal seeking approval to the appointment of petitioner No.3 has been rejected by the authority, whereas proposal of petitioner Nos.1 and 2 is not finally decided. It was observed that the said proposal as far as petitioner Nos.1 and 2 are concerned, would be considered after receiving No Objection from the Divisional Social Welfare Officer.

6. To pay the salary is the primary responsibility of the Institution. The dispute would be about the quantum of the amount also.

7. Considering above, we pass the following order :

a) The Respondent No.3 shall decide the proposal seeking approval to the appointment of petitioner Nos.1 and 2 expeditiously, preferably within four (4) months from the date of this order. Depending upon the decision on the said proposal, shall

further pass orders with regard to the payment of salary. In case the proposal seeking approval to the appointment of petitioner Nos.1 and 2 is accepted then the Respondent-authority shall take steps to pay the salary of the petitioner Nos.1 and 2 for the aforesaid period expeditiously. In case the proposal for approval is rejected then the Management will be liable to pay the salary to the petitioner Nos.1 and 2 for the aforesaid period. The quantum of amount shall be decided by the Respondent No.3.

b) As far as salary of petitioner No.3 is concerned, it is for the Management to pay the same as the proposal for approval has been rejected and the same has attained finality. The petitioner No.3 has not been paid salary from 1.5.2003. The petitioner No.3 shall make representation/application to the Respondent No.3 in that regard. The Respondent No.3 shall calculate the quantum of amount payable to the petitioner No.3 and the Management shall pay the said amount to the petitioner No.3 expeditiously as determined by the Respondent No.3.

c) The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..27.01.2015.
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