

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 11017 OF 2014

KHUSAL RAMDAS CHITTE

VERUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 11018 OF 2014

ANIL YASHWANT DASALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for the petitioners: Mr. Shailesh P. Brahme

Advocate for respondents State: Mr. Y. M. Kshirsagar

Advocate for respondent Nos.3 to 5: Mr. D. S. Bagul

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**CORAM : S. V. GANGAPURWALA &
V. L. ACHLIYA , JJ.****DATE : 12th February, 2015****PER COURT :**

1. Mr. Brahme, the learned counsel for the petitioners submits that the period of service rendered by the petitioner with private management is required to be considered. Even the salary is required to be paid from 01.06.1996 to 16.01.2004 and December, 2006 to 10th August, 2008 alongwith difference of benefits of the Sixth Pay Commission; revised pay fixation is also directed to be done. According to the learned counsel, service book of the petitioner is not complete. No steps are taken to complete the same.

2. Learned Counsel for the respondent Zilla Parishad submits that from 1996 till May, 2008, the petitioners were working with the private management. Zilla Parishad is not bound to pay back wages in respect of the said period. The petitioners are appointed with the Zilla Parishad School vide order dated 31.07.2008. Appointment order itself makes the position clear. The petitioners would be considered from the date they are appointed for all purposes.

3. We have considered the submissions canvassed by the learned counsel for the respective parties. If there is no gap in service, then the services rendered with earlier private management can be counted for the purpose of retiral benefits and for such purposes as is laid down in the Government Resolutions dated 7th May, 2005 and 15th September, 2011. As such, for the purpose of considering other benefits as is laid down in the said Government Resolutions, the said period can be counted. In the present case, it cannot be said that there is break in service. The petitioners were declared surplus on 31st May, 2006. Thereafter, the District Deputy Education Officer had issued an order stating that the petitioners should be observed with retrospective effect. In the light of that, the petitioners be given benefit of continuity of service. However, certainly the petitioners would not be entitled for back wages.

4. With regard to the other benefits, the respondent Zilla Parishad shall take steps to complete service book of the petitioners. The petitioners shall cooperate in the same and supply the documents that would be required for completing the service book.

5. In case of other prayers, the petitioners may make representation to the Zilla Parishad which would be considered by the Zilla Parishad on its own merits.

6. Writ petitions are accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC