

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

WRIT PETITION NO. 2137 OF 2013

Shivram Wamanrao Ubale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vitthal G. Salgare, Advocate for the Petitioner.

Shri D. B. Bhange, Advocate for the Respondent No. 1.

Shri A. D. Gadekar, Advocate for Respondent Nos. 2 and 3.

Shri M. C. Swami, Advocate for the Respondent No. 4.

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

DATE : 25TH FEBRUARY, 2015.

PER COURT :

. Heard Mr. Salgare, the learned counsel for the petitioner, Mr. Gadekar, the learned counsel for respondent Nos. 2 and 3, Mr. Swami, the learned counsel for the respondent No. 4 and the learned Assistant Government Pleader.

2. The petitioner claims the arrears of subsistence allowance. The petitioner is suspended from 25.01.2008 till January 2011. It is not disputed that the management has paid to the petitioner subsistence allowance of Rs. 2,87,823/-. The dispute is about the 25% of the subsistence allowance not being paid and so also the

arrears of 6th Pay Commission. It is the duty of the management to pay the same. It would be appropriate for the Education Officer to calculate the total payment of the subsistence allowance and difference as per the 6th Pay Commission thereof.

3. Considering the above, we pass the following order.

4. The petitioner and respondent Nos. 2 and 3 shall appear before the Education Officer (Primary) Zilla Parishad, Aurangabad on 12.03.2015. The petitioner and respondent Nos. 2 and 3 shall put forth their stand. The Education Officer after considering stand of both parties calculate the total amount of subsistence allowance payable by the management for the period for which the petitioner was under suspension including the arrears as per the 6th Pay Commission after deducting the amount already paid that is Rs. 2,87,823/-. The management shall pay the remaining amount as would be determined by the Education Officer within a period of three (3) months from the date of determination of the said amount by the Education Officer. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]