

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4549/2014

(LOKNATH BABURAO KAOLE **VERSUS** THE STATE OF MAH. & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.P. Bhandarkar, counsel for the petitioner.
Mrs. A.R. Taiwade, A.G.P. for the R-1 & 2.
Shri A.B. Tikle, counsel for the R-3, 4 & 5.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : APRIL 1, 2015.

By this petition, the petitioner seeks a direction to the respondents to forthwith pay the unpaid salary of the petitioner for the period from 01.09.2012 till filing of the petition on 22.04.2014.

It is the case of the petitioner that though the petitioner worked as a Peon during the said period with the respondent nos.3 to 5, the respondent nos.3 to 5 have not paid the salary to the petitioner, for the said period.

The learned counsel for the respondent nos.3 to 5 has filed an affidavit-in-reply and it is stated therein that the petitioner has not worked with them for the period from August-2012 till March-2014 and the petitioner is not entitled to any salary. The learned counsel for the respondent nos.3 to 5 has relied on a copy of the attendance register to substantiate the submission.

On hearing the learned counsel for the parties, it appears that there is a serious dispute whether the petitioner has actually worked with the respondents from 01.09.2012 till 22.04.2014. It is asserted by the petitioner that the petitioner was indeed working as a Peon with the respondent nos.3 to 5 during

the said period and the said fact is specifically denied by the respondent nos.3 to 5. Certain documents are also relied on by the learned counsel for the respondent nos.3 to 5 to substantiate the submission that the petitioner had not attended the school after August-2012. In this background, it would not be possible for this Court to grant a declaration in exercise of the writ jurisdiction that the petitioner has indeed worked as a Peon with the respondent nos.3 to 5 during the relevant period. The issue involved in this case could be decided only after the parties are permitted to tender evidence and the petitioner is free to file a civil suit for seeking the relief claimed in the instant petition.

In view of the aforesaid, we dismiss the writ petition with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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