

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

CIVIL APPLN. (W) NOS.1267 & 1268 OF 2015

IN

WRIT PETITION NO.4861 OF 2012

Prakash Sadashiv Meshram

-vs-

The Secretary, Nagar Yuvak Shikshan Sanstha, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.D.Malke, counsel for the applicant-petitioner.

Mr. P.D.Meghe, counsel for the non-applicants-respondent Nos.1, 2 & 4.

CORAM : SMT.VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 08.07.2015.

CIVIL APPLN. (W) NO.1267 OF 2015

By this civil application, the applicant seeks a direction to the respondent Nos.1 and 2 to pay arrears of salary to the applicant with effect from 21/02/2015.

It is not in dispute that the applicant is transferred to Rajiv Gandhi Engineering College, run by the respondent No.1 on 21/02/2015 and a relieving order was also passed on 27/02/2015. The applicant claims that he is on medical leave from 27/02/2015.

The learned counsel for the non-applicants, states that the applicant is not ready to join the College where he is transferred and has also not challenged the said order. It is stated that it is clear from the communication issued by the applicant to the Secretary of the Sanstha, dated 27/02/2015 that the applicant is not desirous of joining Rajiv Gandhi

Engineering College. It is stated that since the applicant has not rendered any services since last week of February, 2015, the applicant is not entitled to salary.

The relief sought by this civil application cannot be granted and the non-applicant Nos.1 and 2 cannot be directed to pay the salary to the applicant from the last week of February, 2015. Admittedly, the applicant's services are transferred from one college to another. Admittedly the applicant has not joined the College to which he is transferred and has also not challenged the transfer order. The applicant claims to be on medical leave for nearly five months. In the circumstances of the case, the directions sought by the applicant cannot be granted.

In view of the circumstances mentioned herein above, the prayer made in the civil application is rejected. The civil application is disposed of accordingly.

CIVIL APPLN. (W) NOS.1267 & 1268 OF 2015

Heard.

In view of the order, dated 06/02/2015, the prayer made in the civil application is granted. The writ petition may be listed for final hearing in the week commencing 10th of August, 2015.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE