

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 6668/2013.

Narendra janardhan Tirbhane

VERSUS

The State of Maharashtra and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 18, 2015.

Heard Shri R.S. Sundram, learned Counsel
for the petitioner, Shri T.R. Kankale, learned A.G.P. for
respondent nos. 1 to 3, Ms. Manjusha Awachat,
learned Counsel for respondent no.4 and Shri P.R.
Agrawal, learned Counsel for respondent no.5.

Prayer is to release salary for the period
from 01.05.2011 to 07.11.2012.

Respondent no.4 -President has appeared

today and filed reply affidavit. He has stated that petitioner has not worked during the said period.

Shri Sundram, learned counsel appearing on behalf of the petitioner however, has pointed out that respondent no.4 President himself has forwarded a proposal for releasing salary in favour of the petitioner.

Respondent nos. 1 to 3 have not filed any reply.

Shri Sundram, learned Counsel submits that after petitioner was declared surplus in respondent no.5 School, because it was de-recognized, his absorption took place in respondent no.4. Subsequently, respondent no.4 was also de-recognized, but, it continued to function under interim orders of the High Court (Aurangabad Bench).

Learned A.G.P. appearing for respondent nos. 1 to 3 submits that all these issues should be permitted to be raised before the respondent no.2 Commissioner.

Our attention has been drawn to order

dated 28.05.2013. We find that the said order is passed by respondent no.2 and that Authority has not considered the fact that school continued inspite of de-recognition and petitioner has worked therein.

In this situation, we direct the said Authority to consider the impact of interim orders passed at Aurangabad Bench and find out whether petitioner is entitled to receive salary for period from 01.05.2011 to 07.11.2012.

Petitioner as also respondent no.4 shall appear before respondent no.2 for said purpose on 06.04.2015. Said Authority shall then complete the exercise of verification and issue necessary directions in accordance with law within a further period of eight weeks.

Amount found due and payable to the petitioner shall be released in his favour within next two months. Acceptance of that amount shall not preclude the petitioner from challenging the exercise undertaken.

Similarly, grievance of petitioner and other

similarly situated employees in relation to provident fund and arrears of implementation of 6th Wage revision shall also be looked into by the respondent no.2.

With these directions and observations, Writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE

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