

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

921 WRIT PETITION NO. 2414 OF 2015

SHAIKH JAMILA BEGUM AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mrs. Mane Ratna R.
AGP for Respondents State: Mr. V. S. Badakh
Advocate for Respondent No.3 : Mr. S. R. Bagal
Advocate for Respondent No.4 : Mr. Avinash D. Aghav

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 14th October, 2016

ORDER:

1. Mrs. Mane, the learned counsel for the petitioners submits that arrears of salary are due and payable to the petitioners from the respondent Municipal Council. Though some amount is paid, still arrears of 5 months' salary are not yet paid i.e. from June, 2015 to October, 2015. The respondents be directed to pay the same, expeditiously.

2. Mr. Bagal, the learned counsel for the Municipal Council, Jalna states that in fact the State has not paid its contribution and because of which, five months' arrears of salary of the petitioners are not paid. It is the Government which is liable to pay the same. The learned counsel, further, on instructions

from respondent No.3, states that respondent No.3 would make the said payment within a period of four months from today, however, states that respondent No.3 would thereafter claim the said amount from the Government.

3. Learned AGP submits that the State was to contribute 80% amount and the State has already discharged its liability by paying 80% amount. The State is not liable to pay any amount.

4. It is not disputed that the services of the petitioners are now transferred to Zilla Parishad School and they are now getting their regular salary. The only dispute is with regard to non payment of salary from June, 2015 to October, 2015. At the said time, the petitioners were serving with the Municipal Council. As such, respondent No.3 is liable to pay the said amount.

5. We accept the statement made by the learned Advocate for respondent no.3 on instructions as an undertaking to this Court. Respondent No.3 shall make the payment of five months' salary i.e. from June, 2015 to October, 2015 to the petitioners as

undertaken, within four months from today. As far as claim of respondent No.3 from the Government is concerned, the Municipal Council and the Government may resolve the same at their end.

6. Writ petition is accordingly disposed of with aforesaid observation and directions. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC