

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4096 OF 2016
IN
WRIT PETITION NO. 4263 OF 2014

INDRA SHIKSHAN PRASARAK MAHILA MANDAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Smt. Mahajan Surekha P.
AGP for Respondent 1 : Smt. S.S.Raut
Advocate for Respondent 2 : Smt. Barlinge S.R.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: March 30, 2016
...

PER COURT :-

1. The applicants / petitioners pray for extension of time by four weeks to comply with the directions of this Court set out in paragraphs 15, 17 and 19 of the order dated 2.3.2016, passed in Writ Petition No.4263 of 2014.

2. It is contended by the applicants that they have initiated steps with promptitude for implementing the directions of this Court. Rather than complying with the order of this Court, the Education Officer is raising questions vide his communications to the management dated 10.3.2016 and 18.3.2016. As a consequence, the efforts of the management to ensure payment of suspension allowance to the employee through the salary grants are being rendered futile.

3. It is however, submitted that 25% of the suspension allowance till the date of the order of this Court shall be paid to the employee through a demand draft or banker's cheque in the presence of the Education Officer and the remaining amount shall be paid within three weeks from today.

4. Learned AGP appearing on behalf of the Education Officer submits that the Education Officer shall duly comply with the order passed by this Court.

5. Shri Barlinge, learned Advocate for the petitioner strenuously opposes this application and submits that the applicants are indulging in dilatory tactics. Their intention is to tire out the employee. This application be rejected with costs.

6. I have considered the submissions of the learned Advocates. This Court has observed in paragraph Nos.17 and 19 of its order dated 2.3.2016 as follows:-

“17. Considering the fact that Respondent No.2 - employee is out of employment from 05.09.2010, it is expected that the petitioner / management shall initiate immediate steps to ensure that Respondent No.2 is paid his suspension allowance with effect from 05.09.2010 @ 50% wages for the first four months and then @ 75%, till the passing of this order as expeditiously as possible and preferably within a period of four weeks from today. It shall continue to pay him the suspension allowance till the conclusion of

the disciplinary proceedings.

18.

19. *In the event the grant of suspension allowance by following the due procedure takes time, the management shall pay the suspension allowance from its account and shall then seek reimbursement of the amount through the salary grants by following the due procedure as is laid down in law.”*

7. The applicants have communicated to the Education Officer about the steps to be taken for the compliance of the directions of this Court and had also forwarded the bills to that effect. As such, it is expected that the Education Officer shall deal with the bills forwarded by the applicants and shall act in accordance with the directions issued by this Court.

8. Until the said bills are sanctioned, the applicants shall initially deposit an amount equivalent to 25% of the bills submitted for an amount of Rs.13,01,875/- within one week from today and the said amount shall be paid, either directly to the employee or by depositing the demand draft or banker's cheque before the Education Officer. The remaining amount shall be similarly paid by the applicant within a period of three weeks, if until then the bills are not sanctioned or the amounts pursuant to such sanction are still not deposited with the applicants. Needless to state, these amounts shall be adjusted in the salary grants of the applicants -

Educational Society, in the light of the directions of this Court set out in order dated 2.3.2016.

9. This application is, therefore, partly allowed in the aforesaid terms.

(RAVINDRA V. GHUGE, J.)

...

akl/d