

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

WRIT PETITION NO. 8049 OF 2015

Keshav Narayan Kshirsagar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. B. Pawar, Advocate for the Petitioner.

Shri A. A. Jagatkar, A.G.P. for Respondent Nos. 1, 2 and 5.

Shri S. S. Thombre, Advocate for Respondent No. 3.

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

DATE : 17TH OCTOBER, 2016.

PER COURT :

. Mr. Pawar, the learned counsel for the petitioner submits that, the petitioner was appointed as Gat Sachiv in March 1994. Pursuant thereto the petitioner joined. Present writ petition is filed as the petitioner is not paid salary since June 2012 till the filing of petition. The learned counsel submits that, when the petitioner is appointed on a particular pay scale, the petitioner is required to be paid salary as per said pay scale. The same would not be commensurate with the recovery to be made by the Gat Sachiv. According to the learned counsel, even the Chief Executive Officer of the Aurangabad Zilla Dekhrehk Co-operative Society Ltd. had issued a letter to the Loan Officer of the

Aurangabad District Central Co-operative Bank on 18.05.2012 regarding the payment of salaries of said employees like that of the petitioner, however, no cognizance is taken in respect of the same also.

2. Mr. Thombre, the learned counsel for the respondent No. 3 submits that, the petitioner did not join at the transferred place, as such is not paid the salary. The respondent Nos. 4 and 5 also filed their affidavit in reply.

3. The learned A. G. P. submits that, as the petitioner was transferred vide order dated 19.09.2011 and the petitioner did not join at the transferred place is not entitled for the salary, so also no recovery has been made by the petitioner. The gat sachivs are paid 2% commission on the recoveries made.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. There are no details with regard to the amount, which the petitioner is entitled to as subscription. The grievance of the petitioner is of non payment of salary since June 2012. Whereas the stand taken by respondents is that, since 19.09.2011 the petitioner did not work, that is he had not joined the transferred place so also has not made any recoveries, as such is not entitled for

the salary.

6. The disputed questions of fact arise in the present petition with regard to whether the petitioner had joined at the transferred place or not, so also whether the petitioner has discharged his duties. The same can not be embarked in the present petition.

7. In the light of the above, the writ petition is disposed of. The petitioner is at liberty to take proceedings before appropriate forum as may be permissible in law. In that regard all contentions of respective parties are kept open. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]