

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 9659 OF 2015**

RAMCHANDRA GANPAT WAMAN DIED THROUGH LRS ARCHANA
RAMCHANDRA WAMAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Deshmukh Shivraj
V.

AGP for Respondent/State : Mr. B.V. Virdhe
Special Counsel for Respondent nos. 1 to 4 : Mr.
Umakant Patil

Advocate for Respondent nos.5 to 7 : Mr. S.B.
Kakade

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: April 16, 2016

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PER COURT :-

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for Respondent Nos. 1 to 4.

2. The learned counsel appearing for the petitioners submits that the petitioners did not receive any notice from respondent nos. 1 to 4. It is submitted that, the Respondent - employer did not maintain Muster Roll. There is no rule to stop the salary. Therefore, relying upon the pleadings in the

Petition, grounds taken therein and the annexures thereto, the learned counsel appearing for the petitioners submits that the impugned judgment of the Maharashtra Administrative Tribunal (Hereinafter referred to as "MAT" for the sake of brevity) deserves to be quashed and set aside, and Petition deserves to be allowed, thereby giving directions to Respondent Nos. 1 to 4 to release/pay salary of deceased Ramchandra Ganpat Waman, who is father of the petitioners, from the month of October, 2013 to October, 2014.

3. The learned counsel appearing for Respondent Nos. 1 to 4, relying upon the reply filed on behalf of Respondent Nos. 3 and 4, annexures thereto and the reasons assigned by the Maharashtra Administrative Tribunal, submits that, the MAT after perusal of the record noticed that the petitioners' father did not attend the work/service for the aforementioned period, and therefore, declined to grant any relief to the petitioners, on the basis of the principle of 'No Work No Pay'. Therefore, the learned counsel appearing for Respondent Nos. 1 to 4 submits that the Petition may be rejected.

4. We have given careful consideration to the submissions advanced by the learned counsel appearing for the parties. With their able assistance, we have perused the pleadings in the Petition, grounds taken therein, annexures thereto and the reasons assigned by the MAT. It appears that upon perusal of the record placed before the Maharashtra Administrative Tribunal, it was noticed that, for the aforesaid period, the father of the petitioners was not on duty. In that view of the matter, the Maharashtra Administrative Tribunal declined to grant any relief to the original applicant.

5. Upon considering the material placed on record, nothing is brought to our notice that as a matter of fact, the petitioners' father did work for the aforesaid period. Therefore, the findings of facts recorded by the MAT need no interference. No case is made out. The Petition stands rejected.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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