

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

WRIT PETITION NO. 9688 OF 2015

Ashok Suryabhan Munde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 9673 OF 2015

Jayabai Vinayak Ghuge @

Jaya Mahadeo Munde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 9680 OF 2015

Vikas Ramchandra Funde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 9681 OF 2015

Raju Laxmanrao Dahifale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 9690 OF 2015

Bapurao Mahadeo Garje .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 9691 OF 2015**

Balasaheb Trimbakrao Wanve .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner in all matters.

Shri S. Y. Mahajan, A.G.P. for the Respondent No. 1 in all matters.

Shri P. D. Suryawanshi, Advocate for Respondent Nos. 2 and 3 in all matters.

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

DATE : 17TH OCTOBER, 2016.

PER COURT :

. Mr. Thombre, the learned counsel for petitioners submits that, the petitioners were initially working with Zilla Parishad, Sangli. The petitioners completed more than five years of their service with Zilla Parishad, Sangli. The petitioners filed applications with the Zilla Parishad Sangli for inter district transfer to Zilla Parishad, Beed. The Zilla Parishad Sangli issued no objection to relieve the petitioners, if, the Zilla Parishad, Beed is ready to accommodate the services of petitioners. According to the learned counsel, the Chief Executive Officer of Zilla Parishad, Beed vide its order dated 13.08.2014 issued an order and gave posting to petitioners at various Panchayat Samities. According to the learned counsel,

the Zilla Parishad Sangli also relieved the petitioners to join at Zilla Parishad, Beed. However, the joining order is not issued by Zilla Parishad, Beed, though the petitioners have reported as per the posting given by the Chief Executive Officer, Zilla Parishad, Beed. The learned counsel submits that, for almost one and half year the petitioners are not being paid the salary, nor they are allowed to join at the place, where the petitioners are posted pursuant to the orders passed by the Chief Executive Officer, Zilla Parishad, Beed. All the petitioners are belonging to N.T.-D category.

2. Mr. Suryawanshi, the learned counsel for the Zilla Parishad, Beed submits that, in fact there are excess teachers with Zilla Parishad, Beed from N.T.-D category, though in respect of other categories there are about 21 posts vacant, the petitioners cannot be accommodated from N.T.-D category as there is no vacant post in the said category. According to the learned counsel large scale illegalities were committed by the then Chief Executive Officer, Zilla Parishad, Beed against whom enquiry is also initiated. The said Chief Executive Officer has created the mess.

3. We have also heard the learned assistant government pleader for the respondent No. 1.

4. The petitioners are already relieved from the respective posts by the Zilla Parishad, Sangli and it is placed on record some other persons have joined at their posts at Zilla Parishad, Sangli. All the petitioners belong to N.T.-D category. According to the Zilla Parishad, Beed, there are excess teachers from N.T.-D category, though in respect of some other category, there are vacant posts which are not filled in for two to three years. May be because of some erroneous acts of the then C. E. O. an anomalous situation has occurred. These petitioners are not having employment with the Zilla Parishad, Sangli after having been relieved from their respective post, nor are in a position to join at post on which they were given posting by Zilla Parishad, Beed. Naturally, as the petitioners are not officiating, they are not getting their salaries also. The Zilla Parishad, Beed will have to resolve the said situation either to adjust the posts or to give posting at some other place in consultation with the State or other Zilla Parishads.

5. Considering that today also there are some excess persons working with Zilla Parishad, Beed from N.T.-D category and that some posts of other categories are vacant, said anomalous situation can be resolved temporarily by passing following order.

6. The respondent/Zilla Parishad, Beed shall allow the petitioners to work at their respective places where the

petitioners may be given posting by Zilla Parishad, Beed and the Zilla Parishad, Beed shall pay salaries to the petitioners from the date of their joining. However, the period from the date the petitioners are relieved by Zilla Parishad, Sangli till they join on their respective places as per orders of Zilla Parishad, Beed shall be counted for continuity of service. At the time of next academic transfers, the respondent/Zilla Parishad, Beed shall endeavour to accommodate such persons like petitioners as may be possible. The orders for posting shall be given to petitioners expeditiously and preferably within a period of fifteen (15) days from today. The writ petitions accordingly are disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]