

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5998 OF 2012

Smt. Nutan Bhalchandra Vibhute ..Petitioner
Versus
The Principal, Yashwantrao Chavan (KMC) College,
Kolhapur and ors. ..Respondents

Mr. I. M. Khairdi, advocate for the petitioner.
Mr. S. S. Patwardhan, advocate for respondent No.2.
Mr. P. G. Sawant, AGP for respondent Nos. 3 and to 6 to 8.
Mr. Chetan G. Patil, advocate for respondent No.4.
Mr. Amit Borkar, advocate for respondent No.5.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.**

DATE : 3rd MAY, 2016.

P. C. :

Parties through their counsel.

2. Through this petition filed under Article 227 of the Constitution of India, the petitioner has claimed the following reliefs :-

b) This Honb'le Court be pleased to issue writ of mandamus and/or any other order, direction or writ in the nature of mandamus directing the Respondent No.1 and 3 to take note in the service book of the Petitioner of the services for a period of 22.6.2003 to 11.6.2006 and to take further

note in the service book for a period of 24.5.2011 to 4.8.2011; 'as continuation of services' of the petitioner as directed by Respondent No.3 in its letter dated 10.4.2007 and 1.11.2011 respectively.

c) This Hon'ble Court be pleased to issue writ of mandamus and/or any other order, direction or writ in the nature of mandamus directing the Respondent No.1 and 3 to make payment of arrears of salary since from 22.6.2003 to 11.10.2006 forthwith @ 18 per cent interest, and also making proper fixation of pay on the basic pay of 11,300/- as directed by Respondent No.3 in its letter dated 10.04.2007 and also subsequent fixation in VIth pay and for the payment of arrears of salary for a period 1.1.2006 onwards in VIth pay scale along with such other benefits to which the petitioner is entitled;

3. It has not been disputed that the Joint Director(Higher Education) Kolhapur Region, Kolhapur, has sent an amount of Rs.9,07,000/- to respondent No.1 towards the arrears of salary of the petitioner for the period between 22nd June, 2003 and 11th October, 2006.

4. Learned AGP appearing for the State has submitted that Dr. Vidhyulata Keshavrao Nilekar, Regional Joint Director, Higher

Education, Kolhapur Region, Kolhapur in paragraph 7 of her affidavit dated 11th December, 2013 has stated that respondent No.3 has already disbursed amount of Rs.9,07,000/- to respondent No.1- the Principal Yaswantrao Chavan (KMC) College, Kolhapur, but the same is not yet paid by its principal to the petitioner. It has further been stated that the present respondent has taken all appropriate steps to comply orders of the Hon'ble High Court and the present respondents are not at all responsible for compliance of orders of writ petition No.700/2004.

5. Learned AGP has categorically stated that respondent No.3 has no objection, if the said amount, which has already been sent to respondent No.1-college, is paid to the petitioner. Learned counsel for the petitioner, on instructions, submitted that the petitioner shall accept the said amount as full and final satisfaction of his claim of arrears of salary for the aforesaid period.

6. In view of aforesaid, we direct respondent No.1-College to make the payment of the aforesaid amount to the petitioner within four weeks from today. So far as relief claimed under prayer clause (b) is concerned, we direct respondent No.3-the Joint Director (Higher Education), Kolhapur Region, Kolhapur, to take a decision in regard to the aforesaid prayer. The petitioner and respondent No.1 shall provide

necessary assistance and documents to respondent No.3 -the Joint Director (Higher Education), Kolhapur Region, Kolhapur, for taking decision in regard to prayer clause (b). The decision, as aforesaid, be taken by the said authority within three months from the date of receipt of the copy of this order.

7. In view of the aforesaid direction, the petition stands disposed of.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]