

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3936 OF 2016

Amit Jugalkishorji Agrawal

-vs-

The Joint Director of Higher Education, Nagpur and others

WITH

WRIT PETITION NO. 3937 OF 2016

Dr. Pratibha w/o Sunil Agrawal

-vs-

The Joint Director of Higher Education, Nagpur and others

WITH

WRIT PETITION NO. 3938 OF 2016

Dr. Shilpa w/o Atul Pande

-vs-

The Joint Director of Higher Education, Nagpur and others

WITH

WRIT PETITION NO. 3939 OF 2016

Dr. Girish s/o Manoharrao Deshmukh

-vs-

The Joint Director of Higher Education, Nagpur and others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

 Mr. N.B. Kalwaghe, counsel for the petitioners.
 Mrs. H.N. Prabhu, AGP for the respondent No.1.
 Mr. P.B. Patil, counsel for the respondent Nos.2 and 3.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 22.12.2016.

Since the issue involved in these writ petitions is identical, they are heard together and are decided by this common order.

The only prayer made by the petitioners in these writ petitions is for a direction against the respondent Nos.1 to 3 to release the unpaid salary to the petitioners, within a time frame.

Shri Kalwaghe, the learned counsel for the petitioners, states that the respondent Nos.1 to 3 have not released the salary

payable to the petitioners from the date of their joining the services and has released the same only from the date on which their pay fixation was approved. It is stated that the respondent Nos.1 to 3 cannot be permitted to withhold the salary of the petitioners for a long. It is stated that in respect of the petitioner in Writ Petition No.3936 of 2016, the salary of two months and twenty days is not paid, in respect of the petitioner in Writ Petition No.3937 of 2016, the salary of two months and eleven days is not paid, in respect of the petitioner in Writ Petition No.3938 of 2016, the salary of two months and seven days is not paid and in respect of the petitioner in Writ Petition No.3939 of 2016, the salary of two months and fifteen days is not paid when he was working as a director, the salary of one month and twenty five days is not paid when the said petitioner was working as an associate professor.

Mrs. Prabhu, the learned Assistant Government Pleader appearing for the respondent No.1, states on instructions that the claim of the petitioners is not disputed. It is stated that since there were no budgetary provisions for the payment of the unpaid salary to the petitioners, the salary could not be released, till date.

We do not find any propriety in the action on the part of the respondent Nos.1 to 3 in not releasing the unpaid salary to the petitioners. The respondents could not have withheld the salary of the petitioners. If the unpaid salary pertain to the year 2013, the respondents ought to have released the salary at least in the year 2014, but this was not done. The respondent Nos.1 to 3 cannot be permitted to deprive the petitioners of their unpaid salary only because there is no provision in the budget for paying the same to the petitioners. It was necessary for the respondent No.1 to make a provision in the budget in respect of the salary that was payable to the petitioners.

Hence, for the reasons aforesaid, the writ petitions are allowed. The respondent Nos.1 to 3 are directed to release the arrears of salary to the petitioners, within two months. Order accordingly. No costs.

JUDGE

JUDGE