

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5891 OF 2015

(Uttareshwar Narayanrao Mohire vs. Education Officer (Secondary) and others)

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

Shri A.V. Band, Advocate for petitioner.

Shri N.S. Rao, Assistant Government Pleader for
respondent no.1.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JUNE 22, 2016

Petitioner is husband of one Rekha Baraskar, who worked as Principal at Jagdamba Vidyalaya, i.e. respondent no.2. She obtained retirement on health ground and expired on 2/1/2015 due to heart ailment. Grievance has been made by her husband that she was not paid increments from 2003 onwards.

Shri Rao, learned Assistant Government Pleader appearing for respondent no.1 is seeking time as instructions are still awaited.

Adv. Band has, however, invited our attention to stand taken by respondent nos.2 and 3 in reply-affidavit. Respondent nos.2 and 3 in paragraph 13 of their reply have expressed readiness

and willingness to submit proposal of pay fixation from 2003 and thereafter implementation of Sixth Wage Revision. They also sought time of two weeks for that purpose. This affidavit has been filed on 15/4/2016.

Today, during arguments, Adv. Band informs that as per his instructions, some proposal is prepared by Management and sent to Education Department.

In this situation, interest of justice can be met by directing respondent nos.2 and 3 to prepare proposal and forward it to respondent no.1 within a period of two weeks from today, if it is not so already forwarded. The respondent no.1 shall, after receipt of that proposal, consider it in accordance with law at the earliest and in any case, within a period of three months from today. If necessary, opportunity of hearing shall be extended to petitioner as also representative of respondent nos.2 and 3.

Needless to mention that if deceased was entitled to any other relief or then her husband is entitled to any relief on account of her service, appropriate steps to compute the same shall also be taken immediately.

To avoid any further delay, we direct petitioner to appear before respondent no.1 on

4/7/2016 and to abide by his further instructions in the matter.

Leaving all other contentions open and with above directions, we dispose of the petition. No costs.

JUDGE

JUDGE

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