

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

WRIT PETITION NO.5691 OF 2014

[Dr. Ramesh s/o Narayanrao Dhore .vs. State of Maharashtra and others]

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

Court's or Judge's orders

Shri A.P. Thakare, Advocate for the petitioner,
Shri A.A. Madiwale, AGP for respondent no.1,
Shri P.S. Chauhan, Advocate for respondent no.2,
Shri V.P. Marpakwar, Advocate for respondent no.4,
Shri B.G. Kulkarni, Advocate for respondent no.5.

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

DATED : DECEMBER 19, 2016.

By this writ petition, the petitioner seeks a direction against the respondent no.4 to pay the unpaid salary to the tune of Rs.8,55,000/- to the petitioner.

The petitioner claims to have been appointed as a Principal with the respondent no.4-college on a consolidated salary of Rs.45,000/- per month in the year 2009. It is stated that after 2010, the salary was not paid regularly to the petitioner and 19 months salary is due and payable to the petitioner. It is stated that the petitioner has resigned from the college of the respondent no.4 on 4.7.2014 and a direction may be issued against the respondent no.4 to pay the unpaid salary to the petitioner.

On the other hand, it is submitted on behalf of the respondent no.4 that the petitioner cannot claim salary for working as a Principal in respondent no.4-College. It is stated that when the petitioner was working in the respondent no.4-college, the petitioner was also working in the B.Ed. College administered by Samta Shikshan Sanstha, Mowad of which the

petitioner is a Secretary. It is submitted that in view of the complaints against the petitioner, the respondents had initiated an enquiry and as per the enquiry report, the petitioner was simultaneously working in two colleges during the same period. It is stated that in view of the aforesaid fact, the respondent no.4 has initiated a departmental enquiry against the petitioner and one of the charges levelled in the said enquiry is in regard to the working of the petitioner as a Principal, in two colleges during the same period.

We are not inclined to entertain the writ petition and direct the respondent no.4 to pay the salary to the petitioner in the circumstances of the case. Several disputed questions of facts arise in this writ petition. It appears from the documents on record, that the petitioner may have been working in two different colleges at the same time, as the petitioner was the Secretary of the management of one of the colleges. In any case, a departmental enquiry is initiated against the petitioner by the respondent no.4 and the question, whether the petitioner would be entitled to salary or not could be answered after the decision in the enquiry. Though we are not inclined to entertain the writ petition, in view of the disputed questions of facts, the petitioner is free to avail the appropriate remedy, if so advised.

The writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE