

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

WRIT PETITION NO. 204 OF 2017

Sunil Yashwanta Jadhav **... Petitioner**
Age 31 years, Occu: Service
R/o Wadali Tq. Sillod
District Aurangabad

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director (R)
3. The Superintendent Engineer,
Public Works Department,
Adalat Road, Aurangabad
4. The Executive Engineer
Public Works Department, Beed
5. The Sub Divisional Engineer, **... Respondents.**
Public Works Department, sub
Division, Patoda, Tq. Patoda,
Dist. Beed.

Mr. Pratap V. Jadhavar, Advocate for the petitioner,
Mr. Y. G. Gujrati, AGP for the Respondents

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

DATE : 17th January, 2017

ORAL JUDGMENT (Per S. V. Gangapurwala, J):

1. Heard the learned counsel for the parties.

2. Rule. Rule made returnable forthwith. With consent of parties, the petition is taken up for final disposal.

3. Mr. Jadhavar, the learned counsel for the petitioner submits that validation proceedings in respect of claim of the petitioner as belonging to "Koli Malhar" Scheduled Tribe is pending with the Respondent No.2 Committee. However, salary of the petitioner since July/August, 2016 has been withheld. The petitioner has been appointed pursuant to the selection process as Senior Clerk from S.T. Category.

4. Learned AGP states that as validity certificate is not produced, the salary is rightly withheld.

5. It is not disputed that the petitioner is officiating his duty as Senior Clerk with respondent No.5. Validity proceeding in respect of tribe claim of the petitioner is pending with the Committee for more than one year. When the petitioner is officiating his duties, there is no reason to withhold his salary, more particularly when the tribe claim of the petitioner is pending consideration with the committee.

6. In the light of above, we pass following order:

- i. Respondent No.2- Committee shall decide validation proceeding in respect of tribe claim of the petitioner expeditiously, preferably within 9 months. The petitioner shall cooperate in expeditious disposal of the said proceeding.
 - ii. Respondent Nos. 3 to 5 shall not withhold the salary of the petitioner only on the ground that validation proceedings in respect of tribe claim of the petitioner are pending. If there is no other impediment, respondent Nos. 3 to 5 shall release the salary of the petitioner for the period for which he has worked and is not paid. Of course, respondent Nos. 3 to 5 may take further course of action depending upon the judgment to be delivered by the Committee in the validation proceedings.
7. Rule is made absolute accordingly. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC