

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

Civil Application No. 9690 of 2016
(In Writ Petition No. 6782 of 2014)

District : Jalgaon

Nana Vinayak Borse,
Age : 58 years,
Occupation : Retired,
R/o. Lilavati Jain Apartment,
Flat No.4, Mohadi Road,
Jalgaon,
Taluka & District Jalgaon.

.. Applicant
(Original
respondent no.05)

versus

1. The State of Maharashtra,
Through its Principal
Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
2. The Director of Education,
Central Building, Pune.
3. The Dy. Director of Education,
Nashik Division, Nashik.
4. The Education Officer
(Secondary),
Jalgaon,
Taluka & Dist. Jalgaon.
5. Ramesh Dagdu Dhumal,
Age : 39 years,
Occupation : Service,
R/o. Mahatma Gandhi Vidhyalaya,
Samner, Taluka Pachora,
District Jalgaon.
6. The Jalgaon Zilla Maratha
Vidya Prasarak Sahakari
Samaj Maryadit,
Jalgaon,
Taluka & Dist. Jalgaon,
Through its President.

7. The Accountant,
Pay Unit,
Zilla Parishad (Secondary),
B.J. Market, Jalgaon,
Dist. Jalgaon.

.. Non-applicants
(Nos.01 to 04 and
06 & 07 - Original
respondent nos.01 to
04 and 06 & 07,
&
No.05 - Original
petitioner)

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Mr. A.R. Syed, Advocate, for the applicant.

*Mr. V.M. Kagne, Asst. Government Pleader, for
non-applicant nos.01 to 04 & 07.*

*Mr. Vinod P. Patil, Advocate, for
non-applicant no.05.*

*Mr. A.D. Shinde, Advocate, for non-applicant
no.06.*

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 27TH JANUARY 2017

ORAL ORDER :

Heard.

02. By the present application, the applicant (Original respondent no.05) has prayed in prayer clauses "B" and "C" as under :-

(B) This Hon'ble Court may be pleased to issue directions to the respondent no.03 and 04 to release the unpaid salary of the applicant i.e. from 17.05.2015 to 30.05.2016 with increment.

(C) This Hon'ble Court may be pleased to issue directions to the respondent no.05 to process and forward the pension papers of the applicant.

03. The applicant has explained the circumstances under which he was unable to appear on 17.04.2015. By the said order, this Court was pleased to direct respondent nos.3 and 4 not to disburse salary of respondent no.5 (present applicant) until further orders of this Court.

04. In our view, now respondent no.5 (present applicant) has appeared before us and he is also retired from service. We are of the view that the interim order passed by this Court on 17.04.2015, directing respondent nos.03 and 04 not to disburse salary of respondent no.05 (present applicant), will have to be set aside.

05. The interim order passed by this Court on 17.04.2015, directing respondent nos.03 and 04 not to disburse salary of respondent no.05 (present applicant), is set aside. Arrears of salary of respondent no.05 (present applicant) be paid forthwith. Respondents shall also prepare pension papers of the applicant in accordance with law.

06. The Civil Application is allowed in the aforesaid terms and disposed of.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

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