

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6550 OF 2008

Shobha Bhagwanrao Bhahekar,
Age-49 years, Occu-Service,
R/o Adarsha Colony,
At Post Taluka Purna,
District : Parbhani

– PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Rural Development Department
Maharashtra State.

2. The Education Officer (Primary),
Zilla Parishad, Parbhani,

3. The Chief Executive Officer,
Zilla Parishad, Parbhani,

4. The Additional Commissioner,
Aurangabad Division,
Aurangabad

– RESPONDENTS

Mr.U.B.Bondar, Advocate for the petitioner.

Mr.Y.G.Gujrathi, AGP for respondent Nos.1 and 4.

Mr.Renuka Ghule, Advocate for respondent Nos. 2 and 3.

(CORAM : RAVINDRA V. GHUGE AND
SUNIL K. KOTWAL, J.J.)

DATE : 05/12/2017

ORAL JUDGMENT : (Per Ravindra V.Ghuge, J.)

1. Pursuant to our order dated 27/11/2017, learned Advocate

appearing for the Zilla Parishad submits on instructions that after the petitioner was placed under suspension by order dated 11/07/2008, the said suspension order has been withdrawn on 26/06/2009. The petitioner, thereafter, joined duties and has subsequently retired from service after attaining the age of superannuation. It is further submitted that all retiral benefits available to the petitioner have been paid to her.

2. Mr.Bondar, learned Advocate for the petitioner submits that considering the above statement of the learned Advocate for the Zilla Parishad, this petition can be disposed of. He, however, hastens to add that since this Court had granted interim relief on 11/02/2009 in terms of prayer clause 'C' and has stayed the order of suspension, the petitioner would be entitled for full wages, if not already paid, at least from 11/02/2009 till 26/06/2009. Learned Advocate for Zilla Parishad submits that there is a possibility that all service benefits have been paid to the petitioner pursuant to the interim relief granted by this Court.

3. Considering the above, this petition is partly allowed in terms of the interim relief granted by this Court vide prayer clause 'C'. Rule is made absolute. In the event, the petitioner has not been paid

any of the salary benefits pursuant to the interim relief granted by this Court, she would be at liberty to make a representation to the Zilla Parishad within a period of 4 (four) weeks from today and on receiving such representation, the Zilla Parishad shall pass appropriate orders within a period of 6 (six) weeks keeping in view the interim relief granted by this Court.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)