

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

942 WRIT PETITION NO. 9301 OF 2016
WITH CP/706/2016 IN WP/949/2013

MILIND MANOHAR DESHPANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Sunil V. Warad & Shri. S.M. Pande,
Advocates, for petitioner.

Shri. A.R. Borulkar, Assistant Government
Pleader, for respondent No.1.

Shri. S.D. Hiwrekar, Advocate, for respondent
No.2

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 9 February 2017

ORDER:

Today, learned counsel for the respondent No.2, employer produced on record copy of resolution passed by the managing committee of the People's Education Society Mumbai to show that the society has passed resolution to the effect that the present petitioner can be allowed to resume duty immediately if he desires.

Resolution is also passed to the effect that the payment of arrears of salary will be made in four equal installments by the employer. This Court makes it clear that it is the responsibility of the employer to make payment of arrears of salary and that will not be subject to giving of the grants by the Social Welfare Department of the Government. Learned counsel for the respondent employer submits that the Deputy Chairman of the institution is present in the Court hall and on instructions he submits that within four months from the date of joining of service by the petitioner, amount of arrears will be cleared.

2) Learned counsel for the petitioner placed on record copy of statement showing the amount due. It is taken on record. Copy be supplied to the counsel for the respondent employer. This Court is not touching the point of entitlement of the exact amount and that can be decided as per the rules. The petitioner desires to join the service on 20 February 2017. Learned

counsel for the employer has made statement on instructions, that there is vacant post and the petitioner can join on 20 February 2017 and there will not be any problem or hurdle in that regard. In view of this circumstance, this Court holds that nothing survives in the present petition. The dispute with regard to exact entitlement is to be resolved before the end of the present month. In those terms the writ petition is disposed of. Contempt Petition is also disposed of.

Sd/-

(SANGITRAO S. PATIL, J.)

Sd/-

(T.V. NALAWADE, J.)

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