

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

BENCH AT AURANGABAD.

WRIT PETITION NO.996 OF 2016

Bhairunath Maruti Surve ...Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.S.S.Jadhavar, advocate for the petitioner.
Ms.R.P.Gour, A.G.P. for the State.
Mr.P.P.More, advocate for Respondent No.3.
Mr.Anandsing Bayas, advocate for Respondent Nos.4
and 5.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 08.11.2017.

PER COURT :

1. The petitioner seeks salary on and from
6.6.2015 and also the back wages.

2. According to the Management, the
petitioner has been paid the wages up to
13.4.2016. The petitioner was appointed on
temporary basis and from the date of the order of

the appellate authority i.e. 13.4.2016, the salary is to be paid to the petitioner from the salary grants by the office of the District Social Welfare Office.

3. According to the District Social Welfare Office, the petitioner would be surplus.

4. The District Social Welfare was a party before the appellate authority. It was for the District Social Welfare Officer to bring all these facts to the notice of the appellate authority. It is stated that the order of the appellate authority is assailed before the learned Single Judge by the Management and the order of statusquo is passed. It appears that when the matter was remitted by the learned Single Judge of this Court to the appellate authority, the learned Single Judge of this Court had observed that the present petitioner is already reinstated and the said protection would continue. In view of that, the petitioner was reinstated and is continued in service.

5. Even as per the judgment of the appellate authority, it is duty of the Management to pay the salary of the petitioner till the date of the order passed by the appellate authority. The Management is directed to pay the salary and allowances to the petitioner from the date of termination till the date of the order of the appellate authority as per Rules and from the date of the order of the appellate authority, the District Social Welfare Officer is directed to pay the salary.

6. If the District Social Welfare Officer finds any difficulty, it has to approach the appellate authority in that regard. However, till the judgment stands the parties are bound by the same judgment.

7. It is the contention of the petitioner that he is not paid the salary and allowances as per Rules, whereas it is the contention of the Management that consolidated salary is paid to the petitioner in lumpsum.

8. It will be appropriate for the parties to place on record the amount paid to the petitioner towards his salary by the Management before the District Social Welfare Officer. The District Social Welfare Officer shall verify the record as would be produced by the Management in presence of the parties and after hearing the parties decide about the compliance of the order of the appellate authority with regard to the payment of salary and allowances as per Rules from 13.12.2010 till the order of the appellate authority dated 13.4.2016.

9. The Management shall forward the salary bills along with its notings to the District Social Welfare Officer. The District Social Welfare Officer shall take decision upon the said salary bills within a period of two (2) months.

10. The Writ Petition is disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

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