

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO.3299/2016

(Sau.Nilima w/o Sajay Hartalkar vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr V.K.Paliwal, Adv. for petitioner

Mr B M Lonare, A.G.P. for respondents 1 to 3

Mr P N Shende, Adv. for respondents 4 and 5

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATED : 27th February, 2017.

1. Petitioner-employee had challenged her transfer from Nagpur to Kardha School in District Bhandara. On 28th November 2016 after hearing respective counsel, we directed employer-respondent nos.4 and 5 to permit her to start working in her original school at Pardi in Nagpur. We also declared that joining of petitioner is without prejudice to rights and contentions of the parties in the matter. Accordingly, on 29th November 2016, petitioner has reported at Pardi school and is working there.

2. Grievance of Adv. Paliwal is, salary of petitioner for said period (i.e. till & from 29th November 2016 till date), has not been released.

3. Adv. Shende appearing for respondent nos.4 and 5 submits that as there was some dispute about abolition of posts at Pardi school, none of the employees have received their salary and hence no exception has been made in the case of petitioner.

Her salary bills are already sent and are pending with the concerned department.

4. Learned A.G.P appearing for respondent nos.1 to 3 states that he is not aware of the subsequent developments.

5. We find that the petitioner was transferred in the month of June 2016 for joining at Kardha. Thus, her salary from that date upto 29th November 2016, and thereafter for period onwards from that date, needs to be looked into by Education Officer. Whether Management was justified in transferring the petitioner on the ground of abolition of posts at Pardi School, appears to be a disputed question.

6. We, therefore, direct respondent no.3 to look into that question after giving opportunity of hearing to petitioner as also respondent nos. 4 and 5. The decision shall be taken within eight weeks from 14th March 2016. Parties shall appear before respondent no.3 on 14.3.2017.

7. Salary bills of petitioner for the period from 29th November 2016 onwards, shall be separately considered and her current salary shall be released along with other employees regularly, till this adjudication.

8. The question of entitlement of petitioner to salary for the period from June 2016 upto November 2016, is kept open and is contingent upon answer to above controversy by respondent no.3-Education Officer. After respondent no.3-Education Officer passes suitable orders, with liberty to petitioner to approach

again if her grievance survives even thereafter, we partly allow the Writ Petition and dispose it of. No costs.

JUDGE

JUDGE

sahare