

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4672 OF 2016

(Shri Arun Krushnarao Padole & Ors. vs. State of Maharashtra thr. its Secretary, Department of Cooperation & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
SEPTEMBER 19, 2017.**

Heard Shri A.S. Kilor, learned counsel for the petitioners, Shri M.K. Pathan, learned AGP for respondent Nos. 1 to 4, Shri M.V. Samarth, learned counsel for respondent No. 5 and Shri S.S. Ghate, learned counsel for respondent No. 6, for some time.

2. In furtherance of our order dated 07.08.2017, Shri Ghate, learned counsel appearing for respondent No. 6 – employer, informs that the salary till December 2016 is already paid. According to him, payment of salary is contingent upon the recoveries made by the Group Secretaries. They have to collect loan extended to farmers and out of loan recovered, respondent No. 6 gets 2% of the amount as commission. From that commission, all expenditure of respondent No. 6 is arranged. He submits that the petitioners have not effected any loan recovery.

3. Shri Samarth, learned counsel points out that respondent No. 5 only holds the account of respondent No.6.

4. Respondent No. 6 being employer, has to pay regular salary of the petitioners. If the petitioners are not performing their duties properly, it is free to proceed departmentally against them. However, till the petitioners are punished or departmental action is taken against them, their salary cannot be held up.

5. We gather that some amount towards salary due till December 2016 has been released only after 07.08.2017. Shri Ghate, learned counsel disputes this. However, the fact remains that the salary for last about 8 to 9 months has not been received by the petitioners.

6. In this situation, we direct respondent No. 6 to arrange to pay all arrears of salary to the respective petitioners within a period of three months. The salary for the month of October 2017 shall be paid to them as usual and not in arrears. From October 2017, there shall not be any default in payment of regular salary. If the arrears are not paid within three months, the petitioners shall be entitled to simple interest calculated at 6% per annum from the date of expiry of period of three months.

7. With these directions, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE