

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

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.864 OF 2017**

Moinoddin S/o Valiuddin Qazi  
... Petitioner.

Versus

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

...

Mr.D.R.Bhadekar, advocate for the petitioner.  
Mrs.A.V.Gondhalekar, Additional Government  
Pleader for the State.

...

**CORAM : S.V.GANGAPURWALA AND  
A.M. DHAVAL, JJ.**

**Date : 26.03.2018.**

**PER COURT :**

1. Mr.Bhadekar, learned counsel submits that the Respondents be directed to pay unpaid salary of the petitioner of 5 years as a lecturer in Junior College which comes to Rs.20,89,313/- (Rupees twenty lac eighty nine thousand three hundred thirteen) as on the date of filing of the

petition. According to the learned counsel, the petitioner was appointed in 2008 and was not paid any salary. In 2011, the petitioner was terminated. The petitioner approached the School Tribunal. The appeal filed by the petitioner came to be allowed. The Management was directed to reinstate the petitioner with continuity of service and back wages. The Respondent No.3 Deputy Director of Education was directed to withhold the non-salary grants of Respondent Management in case the Management failed to pay the back wages. The learned counsel submits that the petitioner is reinstated in 2016 and approval is granted. According to the learned counsel, the Respondent No.4 is bound to pay salary to the petitioner from the non-salary grants payable to Respondent Nos.2 and 3. However, Respondent No.4 is not paying the amount even from the non-salary grants payable to Respondent Nos.2 and 3.

2. Learned Additional Government Pleader refers to the compromise executed between the parties and submits that the petitioner had waived back wages as against the institution.

The learned Additional Government Pleader on instructions of Mr.V.K.Khandke, Deputy Director of Education, Latur, submits that the Respondent NO.4 would process and sanction the salary bills of the petitioner from 3.2.2016 onwards.

3. We have considered the submissions. The School Tribunal had allowed the appeal filed by the petitioner against his termination. The School Tribunal passed the following order :

*"1. Appeal is allowed.*

*2. The written termination order dated 15.7.2011 terminating the services of appellant is illegal and hereby quashed.*

*3. The respondent Nos.1 and 2 are directed to reinstate the appellant forthwith on the same post with continuity of services and payment of back wages.*

*4. The respondent No.3 is directed to withhold the non salary grants of Respondent Management in case they fails to make the payment of back wages to the appellant.*

*5. No order as to costs."*

4. The Management assailed the said order before this Court by filing a Writ Petition. The Writ Petition was pending. The petitioner and the Management compromised the matter pursuant to the terms of compromise. In the compromise purshis filed, the petitioner relinquished the back wages. In the said compromise Purshis, it is further stated that the salary bills of Respondent No.1 are already submitted on 26.2.2016 to the Respondent No.2 for current salary from February 2016 as per law. The parties on their own volition settled the matter and the Writ Petition it appears is disposed of in terms of the settlement. The Deputy Director of Education was not party to the compromise. When the petitioner had relinquished the back

wages as against the Management, now the petitioner can not claim the amount from the Respondent No.4 and seek direction to withhold the non-salary grants.

5. However, the petitioner would be entitled for the salary if the petitioner is serving from 3.2.2016 regularly as the post on which the petitioner is working is grant in aid post and the approval is also granted by the Deputy Director of Education on condition that up to 3.2.2016, the Management would bear the salary if payable.

6. It is stated that the salary bills are already submitted with regard to payment of salary to the petitioner. It is further submitted by the Respondents that salary bills are forwarded to the Director of Education. The Respondents shall process the said salary bills expeditiously, preferably within two (2) months from today and shall make payment to the petitioner in respect of his salary from 3.2.2016 onwards.

7. The Writ Petition is accordingly  
disposed of. No costs.

**(A.M.DHAVAL, J.)**

**(S.V.GANGAPURWALA, J.)**

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