

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

WRIT PETITION NO. 2368 OF 2017

Ku. Rekha Uddhav Changade.

Petitioner.

Versus

The State of Maharashtra and others.

Respondents.

Mr. R.M. Jade, Advocate for the petitioner.

Mr. S.B. Yawalkar, A.G.P. for respondent Nos.1 to 5.

Mr. C.V. Thombre, Advocate for respondent No.6.

CORAM : **S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **5th June, 2018.**

ORAL ORDER :-

1. Learned Counsel for the petitioner submits that the petitioner is not paid salary for the period for which the petitioner was terminated till her reinstatement i.e. 22.11.2006 to 14.07.2011, as well as arrears of 6th Pay Commission upto 31.12.2015 alongwith 12% interest is also not paid. Learned Counsel submits that weekly off is also not given to the petitioner. The petitioner is working as a Cook.

2. Learned Counsel for the respondents relies on the order passed in Criminal Complaint ULP No.25/2010 and submits that the proposal is already given to the Commissioner, Women and Child Welfare Commissionerate on 10.08.2016 and the same is pending with the Department.

3. Learned A.G.P., on instructions, submits that the Commissioner, Women and Child Welfare Department to decide the said representation within two months.

4. As far as claim of the petitioner in respect of the salary for the period from 22.11.2006 to 14.07.2011 is concerned, the same now cannot be a subject-matter for consideration before this Court, in view of the fact that after the ULP was allowed, to execute that order the petitioner had filed Criminal Complaint ULP No.25/2010. In the said complaint, the parties had arrived at compromise and the same is disposed of in terms of the compromise. In the said matter also the petitioner had sought compliance of the order passed by the Labour Court.

5. In view of the above, the relief claimed by the petitioner with regard to the payment of salary for the period from 22.11.2006 to 14.07.2011 cannot be considered.

6. As far as the benefit of Sixth Pay Commission is concerned, the Management has already forwarded a proposal to

the Commissionerate, Women and Child Welfare Department on 10.08.2016. As submitted by the learned A.G.P., the Commissioner, Women and Child Welfare Department shall decide the said proposal (Exh-E) on its own merits and in accordance with law expeditiously, preferably within two months.

7. The respondent-Management shall not refrain the petitioner from claiming the benefits and privileges as is provided under statute and if the petitioner is entitled to weekly off as per the statute, the respondents shall accord the said benefit to the petitioner.

8. Writ Petition is accordingly disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/