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

**CIVIL APPLICATION NO.2692 OF 2010
IN
WRIT PETITION NO.5352 OF 2007**

Smt. Kazi Shamim Begum d/o Gulam
Mohiuddin

..APPLICANT

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr M.R. Choudhari, Advocate for applicant;
Mr A.S. Shinde, A.G.P. for respondents no.1 to 4;
Mr S.D. Karkare, Advocate for respondents no.5 & 6

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 26th June, 2018

ORAL ORDER:

Heard learned Counsel appearing for the respective parties.

2. It will not be out of place to state that this Court, by order dated 6th June, 2018, referred to the specific prayer in the present application, namely, Civil Application No.2692 of 2010. The grievance of the petitioner-applicant is as only the applicant had approached this Court, the salary for the period with effect from August, 2007 onwards is not paid to her. Thus, submission was, respondent no.5 had certain reservations and the necessary steps

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were not taken by respondent no.5 resulting in non payment of the salary. By referring to the contentions and the counter contentions of the parties in paragraph 7, learned Asstt. Govt. Pleader and learned Counsel Mr Karad appearing for respondents no.5 and 6 were directed to file their affidavit-in-reply within stipulated period of two weeks. Learned Asstt. Govt. Pleader appearing for the State authorities (respondents no.1 to 4 in the application), by inviting our attention to the statement in the affidavit-in-reply submitted that as per the record of the authorities, the salary bills of the petitioner-applicant are cleared from 2010 to the date of filing of the application. It is then submitted in the reply that insofar as the arrears of salary for the period from August, 2007 to June, 2010 are concerned, the office of the deponent (Pay and P.F. Unit [Secondary]) received the salary bills along with the covering letter issued by the management recently i.e. on 18th June, 2018. Copy of the said communication is also placed along with the affidavit in reply as Exh.R-1. Thus, the learned Asstt. Govt. Pleader submitted that it was the delay on the part of the management to submit the pay bills and the authorities of the State of Maharashtra were not responsible for any delay in the matter. It is then stated in the reply that as the bill is recently received, the issue of grant of the payment or entitlement of the applicant in view of the bill submitted by the management will be considered as per the Rules and more particularly as per the

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procedure prescribed in Government Resolution dated 15th July, 2017 and if the applicant is found eligible, the bill will be released in her favour.

3. Learned Counsel appearing for the applicant though fairly submitted that this statement takes care of the grievance raised by the applicant-petitioner, but apprehends that there may be again some delay in the procedural aspects of considering the entitlement of the applicant. As such, Counsel prays for issuing directions to the respondents authorities to release the bill if the applicant is found entitled, within prescribed period of four weeks from today.

4. Learned Asstt. Govt. Pleader prays some more time on the count that there are various aspects which will have to be considered by the authorities about the entitlement of the applicant in view of the Govt. Resolution dated 15th July, 2017.

5. In view of above referred submissions of the respective Counsel, we dispose of the application with direction to the authority, namely, Superintendent, Pay and P.F. Unit (Secondary), Chelipura High School, Railway Station Road, Aurangabad, to release the salary bills of the applicant in view of the submission of the pay bills, by communication dated 15th June, 2018 by the management as

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expeditiously as possible and not later than eight weeks from the date of the order of this Court.

Civil Application is accordingly disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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