

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4347 OF 1998
(G.R.Vijay Swamy Vs. The State of Maharashtra and others)

Mr.Mobin H.Shaikh h/f Mr.V.R.Dhorde, Advocate for the
Mr.N.T.Bhagat, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 02/11/2018

PER COURT :

1. None appeared for the Management on 20/10/2018. None appears even today.

2. Though the appeal filed by the petitioner was rejected by the impugned order of the College and University Tribunal, the petitioner was reinstated as the Principal of the M.S.Bidwe Engineering College, Latur in January 2005. Copy of the said letter is annexed to the civil application and is once again tendered before this Court, which is marked as "X" for identification.

3. It appears from the document X dated 14/01/2005 that the petitioner was informed that he would be entitled to continuous service as a Principal, would be entitled for pay scale and increments of salary and the arrears of salary would be a subject to be placed before the Governing Council for its consideration. Based on the

communication “X”, the petitioner joined duties as a Principal and has also superannuated in 2006. He has no grievances in so far as his pay scale and increments are concerned. However, his arrears of salary from the date of termination till the date of joining was never taken up by the Management for consideration despite having passed a resolution to do so, as is evident from the document “X”.

4. In view of the above, this petition is disposed of with the following observations :-

[a] As the petitioner has been allowed to join on his original post in January 2005 and has superannuated in 2006, he would be entitled for continuity.

[b] In so far as his arrears of salary are concerned, the Management would consider the same in view of their assurance evident from Document “X” by placing the said subject before the Governing Council within 4 months from today.

[c] The petitioner is at liberty to make a further representation by annexing the copy of document “X” and a copy of this order.

[d] The impugned judgment of the College Tribunal would merge in document X” and no further orders are required.

5. Rule is discharged.

(Ravindra V.Ghuge, J.)