

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

WRIT PETITION NO. 4138 OF 2017

Sunil Popatrao Narwade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri C. K. Shinde, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. V. Dixit, Advocate for Respondent Nos. 3 and 4.

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

DATE : 09TH APRIL, 2018.

FINAL ORDER :

. The petitioner states that, he was appointed as a Shikshan Sevak on 21.11.2011. After completion of three years, he became deemed permanent. His proposal for grant of approval to the appointment was rejected. The petitioner left the employment of respondent Nos. 3 and 4 in May 2016. The petitioner claims payment of salary till April 2016. According to the petitioner, the petitioner was paid minimal amount. The petitioner was paid emoluments at the rate of Rs. 1,500/- per month from 09.03.2013 to April 2014. The petitioner was paid an amount of Rs. 3,000/- per month from July 2014 to April 2015 and from July 2015 to April 2016. The learned counsel submits that, even as per the

Government Resolution dated 17th September, 2011 a Shikshan Sevak is entitled for honorarium at the rate of Rs. 6,000/- per month. According to the learned counsel pay scale payable to the petitioner as per Schedule - C is Rs. 4500 - 7000 (VIth Pay 5200 - 20200 G. P. 2800) per month. The respondents are liable to pay the amount to the petitioner since the date of appointment till the petitioner left the service.

2. Mr. Dixit, the learned advocate for respondent Nos. 3 and 4 submits that, the respondents have paid much more amount than the petitioner is entitled to. The respondents have paid the petitioner total amount of Rs. 57,000/- from 14th March, 2015 to September 2015 and an amount of Rs. 24,000/- is paid to the petitioner from October 2015 to May 2016. The respondents have paid excess amount to the petitioner.

3. We would limit ourselves with regard to payment of salary for previous three years prior to the date of filing of the writ petition.

4. The primary responsibility to pay the salary is of the management. There are rival claims.

5. It is not disputed by respondents that, the period of Shikshan Sevak came to an end after three years on 19th

November, 2014.

6. We would be considering claim of the petitioner since 22nd March 2014, as the petition is filed on 22nd March 2017.

7. From 22nd March 2014 till 19.11.2014 the petitioner would be entitled for salary at the rate of Rs. 6,000/- per month and from 20th November 2014 till April 2016 the petitioner would be entitled for pay scale of Rs. Rs. 4500 - 7000 (VIth Pay 5200 - 20200 G. P. 2800) per month. The respondent management shall after deducting the amount that is paid to the petitioner and if amount is still payable shall pay the same to the petitioner at the rate as stated above within a period of three (03) months from today. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18