

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

WRIT PETITION NO. 5730 OF 2014

Prakash Bhaurao More and Others ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. V.P. Patil, Advocate for petitioners.

Mr. K.N. Lokhande, A.G.P. for respondent nos. 1, 2 and 5.

Mr. S.P. Brahme, Advocate for respondent no.3.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 22nd OCTOBER, 2018

ORDER :

Mr. Patil, the learned Counsel for the petitioners submits that the present petition is being prosecuted on behalf of petitioner nos. 1 and 5 only. Petitioner nos. 2 to 4 have filed application for withdrawal of the petition and the petition is withdrawn as far as petitioner nos. 2 to 4 are concerned.

2. The petitioners seek unpaid salary and the arrears as per 5th and 6th Pay Commission.

3. We have heard Mr. Patil, the learned Counsel for the petitioners, the learned A.G.P. for respondent nos. 1, 2 and 5 and Mr. Bramhe, the learned Counsel for respondent no.3.

4. According to the respondents, after conducting the enquiry, petitioner no.1 has been terminated from service with effect from 31st July, 2018. According to respondent no.3, petitioner no.1 does not hold requisite qualification. He further contends that petitioner no.5 is paid regular salary as per the applicable pay scale under 6th Pay Commission.

5. Mr. Patil disputes the said fact and submits that the salary is not paid to the petitioners in accordance with the pay scale and are also not paid regular salary.

6. There are disputed questions of facts involved. In the light of that, we direct the parties to approach the Joint Director of Technical Education, Nashik. The petitioner nos. 1 and 5 shall file a comprehensive representation with the Joint Director of Technical Education, Nashik with regards to his claim. The Joint Director of Technical Education, Nashik shall hear petitioner nos. 1 and 5 and respondent no.3 and thereafter take decision with regard to the applicable pay scale to

petitioner nos. 1 and 5 and the salary as due and payable to them. Petitioner nos. 1 and 5 and respondent no.3 are entitled to place on record the documents on which they rely. Joint Director of Technical Education, Nashik shall decide the same preferably within four months from the date of receipt of the application. In case petitioner no.5 is working with respondent no.3, then respondent no.3 shall pay petitioner no.5 regular salary, as is permissible. Writ petition is accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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