

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10122 OF 2018
IN
WRIT PETITION NO. 1026 OF 2015
WITH
CONTEMPT PETITION NO. 839 OF 2016

CHHAYA YESHWANTRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicants : Smt. M.G. Kasturkar
h/f. Smt. M.A. Kulkarni.
AGP for State : Mr. S.R. Yadav.
Advocate for Petitioner in WP No. 1026/15 :
Mr. S.S. Wagh h/f. Mr. S.T. Shelke.
Advocate for Respondent No. 2 in CP No. 839/2016 :
Mr. R.J. Godbole.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 30th November, 2018

PER COURT :

1. The applicants are employees of respondent No. 2/Educational Institution. They have approached this Court after this Court decided Writ Petition No. 1026/2015, filed by an employee Mrudula Martand Palashikar, vide judgment dated 15/12/2015. In paragraph No. 26 of the said judgment, this Court has permitted the Education Officer to recover the amounts payable to the petitioner Mrudula with interest, from the 'grants' of respondent Nos. 1 and 2/Educational Institution. The applicants have expressed an apprehension that the Management is now contemplating payment of the dues to Mrudula from the 'salary

grants' of the Institution which pertain specifically to the Monthly salaries of the employees of the said Institution.

2. Learned advocate for the original petitioner submits that it is not the intention of the said petitioner that her legal dues should be recovered from the salary grants of other employees. Learned AGP submits that such recoveries are never made from the salary grants as the salary grants are limited specifically to the amounts of salary which are to be paid to the teaching and non teaching employees on month to month basis. The Institution does not receive any amount towards salary grants beyond the salaries that are to be paid to such an employee.

3. In view of the above, the applicants are right in praying for adding the words 'Non salary' to the word 'grants' appearing in the last sentence of paragraph No. 26 of the judgment of this Court dated 15/12/2015.

4. This application, is therefore, allowed. The judgment dated 15/12/2015, shall under go a correction by which the word 'grants' appearing in the last sentence of paragraph No. 26 shall be read as "Non salary grants". The office shall upload the corrected copy of the said judgment.

5. Needless to state, the Education Officer shall also assess whether coercive steps can be initiated to ensure the proper compliance of the direction set out in the judgment dated 15/12/2015.

(RAVINDRA V. GHUGE, J.)

S.P.C.