

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

WRIT PETITION NO. 7667 OF 2016

Shivaji Motiram Rathod

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.B. Sontakke, Advocate for petitioner.

Mr. S.K. Tambe, A.G.P. for respondent no.1 – State.

Mr. S.G. Kawade, Advocate for respondent nos. 2 and 3.

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

DATED : 22nd OCTOBER, 2018

ORDER :

Mr. Sontakke, the learned Counsel for the petitioner submits that the petitioner was working as Vastishala Teacher i.e. Para Teacher and subsequently absorbed as Primary Teacher as per Government Resolution dated 01st March, 2014 on the pay scale of Rs.5200-20000 Grade Pay Rs.2800/-. The appointment order was issued on 11th July, 2014. However, as the mother of the petitioner suffered from paralysis attack, the establishment was changed and fresh order was issued on 26th August, 2014. The petitioner is not paid salary till August 2014. The learned Counsel for the petitioner relied on Government Resolution dated 01st March, 2014.

2. The learned Counsel for respondent nos. 2 and 3 submits that though, Government Resolution dated 1st March, 2014 states about benefit to be given from 01st March, 2014, as per the principle of “No Work No Pay”, said benefit cannot be given to the petitioner, as he did not work from that date and joined the duty on 01th September, 2014.

3. We have considered the submissions of the parties. It is not disputed that the petitioner was working as Vastishala Teacher and subsequently absorbed as Primary Teacher by order dated 11th July, 2014 at Panchayat Samiti, Hadgaon. However, the petitioner did not join the said place and requested for change of establishment. The establishment was changed by order dated 26th August, 2014. The petitioner joined the duty on 01st September, 2014. Certainly, the petitioner did not work from 11th July, 2014 to 31st August, 2018, as though the order was issued, the petitioner did not join the establishment. However, as per Government Resolution dated 01st March, 2014, the petitioner would be entitled for salary from 01st March, 2014.

4. The respondents shall pay salary to the petitioner as specified in Government Resolution dated 01st March, 2014 from 01st March, 2014

till 10th July, 2014 within a period of three months from today. Writ petition is accordingly allowed and disposed of. No costs.

SSD (R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)