

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

WRIT PETITION NO. 9353 OF 2017

Sayed Khaled S/o Syed Abdul Hameed ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr C. K. Shinde, Advocate for the petitioner
Mr A. S. Shinde, AGP for respondent/State
.....

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

DATE : 13TH FEBRUARY, 2018.

ORDER:

1. The petitioner claims following relief.

B. By issue of appropriate writ or order, the respondents No. 1 to 4 may kindly be directed to pay difference of salary payable to the petitioner as full time Librarian in the respondent No. 5 - School for the period of 1.1.2006 to the date of retirement i.e. 30.11.2016.

2. The approval is granted to the petitioner as a full time Librarian under order dt. 19.09.2016, from the date the petitioner became eligible as a full time Librarian on the strength of students having crossed 1000.

3. We have heard Shri. C. K. Shinde, learned counsel for the petitioner and Shri. A. S. Shinde, learned AGP for respondent/State.

4. The petitioner had earlier filed Writ Petition No.2373 of 2013. The said writ petition is disposed of under order dt.01.04.2015. The court has observed as under :

i] The Petitioner shall be considered as Full Time Librarian from the date of his initial appointment i.e. 12.12.1995, in view of the fact that, the strength of the students is increased and crossed more than one thousand. The said date shall be considered for notional pay fixation, so also for time bound promotion and other retiral and pensionary benefits. However, the petitioner would not be entitled for the difference of salary from 12.12.1995 till 2006.

ii] Accordingly, Writ Petition is disposed of. No costs.

4. The order of this Court states that the petitioner shall be considered as Full Time Librarian from the date of his initial appointment, however, he is not entitled for the difference of salary from 12.12.1995 till 2006.

5. The aforesaid order of this Court is not assailed by the respondents and has become final. In view of that, the petitioner would be entitled for difference of salary from 01.01.2007 till the date of his retirement i.e. 30.11.2016.

6. The respondents shall pay the difference of salary payable to the petitioner as Full Time Librarian from 01.01.2007 to 30.11.2016, expeditiously.

7. Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde