

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10324 OF 2016

Digambar s/o Rukhmaji Failwad
Age : 44 years, Occu. Unemployed
r/o Neha Vihar, 140/7 Nandanvan
Housing Society, Cidco Mahanagar
MIDC, Waluj, Aurangabad.

....PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary
Rural Development Department
Mantralaya, Mumbai - 32
2. The Chief Executive Officer
Zilla Parishad, Aurangabad.

...RESPONDENTS

Advocate for Petitioner : Mr. S.P. Pandav
h/f Mr. A.N. Walujkar
AGP for Respondents: Mr. P.N. Kutti
Adv. for Respondent no. 2 : Mr. S.B. Ghute

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.**

DATE : 5th April, 2018.

ORAL JUDGMENT:-

Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

The petitioner is an ex-serviceman and belongs to NT-B Category. He tendered an application in response to the advertisement issued by the Zilla Parishad, on 2.11.2015 for appointment to the post of Parichar (Peon). The post advertised was for OBC category. The claim of the petitioner for appointment was considered and a letter of appointment was issued on 27.1.2016. The caste certificate issued to the petitioner was

forwarded for verification to the Scrutiny Committee and the petitioner has been issued a Validation Certificate by the competent Scrutiny Committee certifying that he belongs to NT-B category. It was later on revealed to the Zilla Parishad that the petitioner has been wrongly appointed as Peon as against a vacancy prescribed for OBC category and as such, by order dated 13.7.2016, his services came to be terminated. It is not a matter of controversy that the petitioner has performed duties of a Peon, between the period - 27.1.2016 and 13.7.2016. It has also not been controverted that the petitioner has not been paid wages/salary for the aforesaid period, during which he has performed duties of a Parichar/Peon. The petitioner is not objecting to the order of his dismissal, however, is claiming his entitlement to receive salary for the period, for which he has performed his duties as a Peon with the respondent Zilla Parishad. The reasonable request made by the petitioner deserves to be granted. Respondents are directed to pay the admissible wages/salary prescribed for the post of Parichar/Peon, for the period during the petitioner has performed his duties as a Parichar/Peon i.e. from 27.1.2016 to 13.7.2016. The amount be paid as expeditiously as possible and preferably within a period of 3 months and it is accordingly directed.

Rule is made absolute in above terms. Writ petition is accordingly disposed of. No costs..

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-