

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

WRIT PETITION NO. 10499 OF 2016

Rajesh s/o. Vithalrao Shinde & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.12173 OF 2016**

Santosh s/o. Umappa Bodhane & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.D.S.Kudale, Advocate for the petitioners.

Mr.K.N.Lokhande, AGP for respondent/State.

Mr.N.S.Kadam, Advocate for respondent Nos.2 and 3.

Mr.A.S.Golegaonkar, Advocate for respondent Nos.4 and 5.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 21.08.2018

P.C. :-

1. Mr. Kudale, learned Advocate for the petitioners submits that the appointment of the petitioners is approved since the year 2010 on grant-in-aid basis.

Earlier to that the petitioners were approved on non-grant basis. Once the petitioners' appointment is approved on grant-in-aid basis, the petitioners are entitled for salary from respondent Nos.2 and 3. According to learned Counsel, approval order specifically states that since 2010, the petitioners' appointment is approved on grant-in-aid basis. It is responsibility of respondent Nos. 2 and 3 to make payment of salary.

2. Mr.Golegaonkar, learned Advocate for the management submits that the management has submitted proposal for payment of salary of the petitioners to respondent Nos.2 and 3.

3. Mr. Kadam, learned Advocate appearing for respondent Nos.2 and 3 submits that in view of Government Resolution dated 18.01.2014, it has been decided to pay grant-in-aid from the date of the Government Resolution and since that date, the salary is regularly paid to the petitioners.

4. Learned AGP submits that, as and when funds are available, grant-in-aid is sanctioned. Considering all the aspects, the Government Resolution dated 18.01.2014 is issued.

5. The petitioners were appointed after the additional divisions were sanctioned. The Government Resolution dated 20.11.2012 clearly states that though pursuant to the said letter, divisions are brought on grant-in-aid, however, grants would be released as and when funds are available and the grants would not be granted with retrospective effect. Clause-3 is abundantly clearly. Pursuant thereto Government Resolution dated 18.01.2014 is issued, thereby sanctioning grant-in-aid. It is not disputed that after issuance of the Government Resolution dated 18.01.2014, the petitioners are regularly paid salary.

6. Considering the Government Resolution dated 20.11.2012 and 18.01.2014, the case of the petitioners cannot be considered. As such, the writ petitions are disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]