

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14522 OF 2017

Govind Dasrao Chavan .. **Petitioner**

Versus

The State of Maharashtra
and others

.. **Respondents**

Shri Vinod B. Jadhav, Advocate for the Petitioner.
Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1
to 4.

Shri Shri V. D. Gunale, Advocate for Respondent
Nos. 5 and 6.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. Mr. Patil, learned counsel for the petitioner submits that the respondents are bound to implement the order dated 06.07.2009. The salary for the period 29.06.1993 to 01.09.2016 is also not paid. The petitioner was a permanent employee. The petitioner was appointed in the year – 1981. The illegal orders of termination were issued by the respondents. The petitioner initially had to approach the Civil Court, thereafter had approached the School Tribunal, however, for want

of jurisdiction the proceedings were not entertained. According to the learned counsel, the petitioner is entitled for back wages, even from the year - 1993 till the date of the order passed in the year - 2016 of the appellate authority.

2. Mr. Gunale, the learned counsel submits that all the benefits as given under the order of the year - 2016, of the appellate authority and Regional Deputy Commissioner, Social Welfare has been accorded to the petitioner.

3. It appears that the petitioner was terminated in the year - 1993. Thereafter, the petitioner had approached the School Tribunal, Civil Court, however, for want of jurisdiction the same were held to be not tenable. The petitioner thereafter approached the authority under the statute. The appellate authority allowed the appeal. Subsequently, the respondent approached this court. This court set aside the order dated 06.07.2009 of the appellate authority and directed to consider afresh after deciding the condonation

of delay application. Thereafter the appellate authority decided the matter under its order dated 26.08.2016. The back wages were not accorded to the petitioner, however, the institution was directed to pay the amount from the date of the order till reinstatement, and after reinstatement the petitioner would get the salary from the salary grants. It would appear that the back wages were not awarded as the petitioner during the said period has not worked and the proceedings were filed from one court to another wherein those forums did not have the jurisdiction.

4. Considering the above, we do not think that any error is committed while not warding the back wages, however, the petitioner has been awarded the continuity in service.

5. The service of the petitioner for the purpose of the pensionary and retiral benefits shall be counted from the initial date of appointment i.e. 01.06.1985. The petitioner will be paid the Provident Fund, Gratuity considering the service

from the year – 1985. The service of the petitioner shall be considered from the year – 1985 continuously for all other purposes. The increments shall be calculated notionally till the period the petitioner has assumed the duties as per the order of the appellate authority. The petitioner would be given the salary considering the increments notionally which the petitioner would be entitled to considering his service from the year – 1985. The said exercise shall be done expeditiously and preferably within a period of two (2) months from today.

6. With these observations, the writ petition is disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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