

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6926 OF 2016

Sahadeo Namdeo More .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mr.M.V. Bandiwadekar i/b. M.G.Bagkar for petitioner
Mr. S.B.Kalel, AGP for respondent Nos. 1 and 2.

CORAM : B.R.GAVAI &
B.P.COLABAWALLA, JJ.

DATE : 18th January 2018.

P.C.

1] Rule. Rule is made returnable forthwith. Heard by consent of parties.

2] It is unfortunate that the petitioner is required to approach this Court again by way of the present petition for seeking compliance of directions issued by this Court dated 10th February 2015 in Writ Petition No.5478 of 2014.

3] It appears that there was some dispute as to from which date

the petitioner would be entitled for approval. Vide the aforesaid petition, the petitioner, for the first time, approached this Court. When that petition was listed before this Court the petitioner gave up his claim for the approval from the year 2004 and restricted his claim for approval from the year 2007. This Court, therefore, directed the respondent, Education Officer to consider the claim of the petitioner within four weeks and disposed of the petition.

4] In pursuance of the said order, the respondent No.3 Management sent the proposal for grant of approval to the petitioner's appointment from the year 2007. After the said proposal was accepted by the Education Officer, the Management submitted salary bills. However, since in spite of the submission of salary bills the petitioner was not paid salary, the petitioner was required to approach this Court by way of present petition.

5] In response to the notice issued by this Court, one Mrs. Shabnam Gulab Mujawar, Deputy Education Officer has filed affidavit in reply. In the reply it is categorically admitted that the approval has been given to the petitioner with effect from 1st May

2007. However, in so far as the payment of salary is concerned, it is averred in the reply as under:-

“3. Under the fact and circumstances above, I humbly submit before this Hon'ble Court that the respondent No.4 is ready and willing to sanction the salary bills submitted by the respondent No.4 vide its letter dated 7th December 2015 (Exh.- J Colly. to the petition) and accordingly release the grant in aid for the payment of that salary to the petitioner as Assistant Teacher in the respondent No.4. I further clarify the position that the proposal of the difference salary bill of the petitioner is subject to the sanction from the Deputy Director of Education Kolhapur Region, since the said difference salary bill is of more than one year.”

6] We fail to understand as to why further approval of the Deputy Director would be necessary when an approval has been granted by the Education Officer in pursuance to the orders passed by this Court in Writ Petition No.5478 of 2014 on 10th February 2015.

7] When the petitioner's services were approved as natural corollary thereof, he was entitled to all the retirement benefits with effect from the date of approval.

8] In this view of the matter, we direct the respondent No.2 to

start paying regularly the salary to the petitioner from the month of February 2018 and all arrears for the period between 1st May 2007 till February 2018 shall be cleared within a period of six months from today. Rule is thus made absolute in terms of aforesaid directions. No costs.

(B.P.COLABAWALLA, J)

(B.R.GAVAI, J.)