

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Jayant
Vishwanath
Salunke

**CIVIL APPLICATION NO. 2996 OF 2013
IN
WRIT PETITION NO. 11313 OF 2012**

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Jayant Vishwanath
Salunke
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All India Secondary Teachers Federation and Anr.	}	
	}	Petitioners
versus		
The Malegaon Corporation and Ors.	}	
	}	Respondents

Mr. Anilkumar K. Patil for the petitioners.

Mr. S. S. Patwardhan for respondent nos.
1 and 2.

Mr. Ramesh Rane for respondent no. 3.

Mr. S. B. Kalel-AGP for respondent no. 4.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- JULY 12, 2018

P.C. :-

1. After this civil application was heard earlier and today for some time and pursuant to the directions, the Administrative Officer of the School Board will now convene a meeting of the stake holders and arrive at the figure of arrears of pay/pension/other benefits, save and except the arrears of pay of the Sixth Pay Commission Recommendations pertinent to the relevant period, namely, 1st March, 2009 to 31st March, 2011. The

figure, after such discussions and deliberations with the stake holders, would be communicated to the Malegaon Municipal Corporation by this Administrative Officer within a period of four weeks from today. After this figure is communicated, the Municipal Corporation, without any further exercise, much less scrutiny and verification at their end, will release the sum within a period of three months from the date of receipt of the communication from the Administrative Officer.

2. We have clarified to all parties that this is a final exercise and in terms of the affidavits, which have been placed on record by all of them. Once the statements on oath are made and the Municipal Corporation of the City of Malegaon says that presently it is not in a position to pay arrears of Sixth Pay Commission to its employees, but has not stated that such arrears are not due and payable, then, we expect the Municipal Corporation to take a call and at least ensure that its teachers and primary teachers are not left in the lurch. Secondly, because the financial position of the Municipal Corporation was precarious and despite Government grants it could not pay the money does not mean that it is discharged of that obligation and duty. The Sixth Pay Commission Recommendations have been accepted by all concerned and it is only the applicability of the same to individual establishments

which also is an accepted position. The facility granted by the Government is only to seek relaxation or extension for clearance of the arrears. It is in these circumstances and in the light of the statements made in para 10 of the affidavit of the Municipal Corporation that we have clarified that none should proceed on the footing that these arrears are not due and payable.

3. The Civil Application is disposed of in these terms. The calculations provided are taken on record and marked as 'X' for identification.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)