

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5419 OF 2018

CHAYA BHIMRAO SABLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :
Mr. Bedre Vinayak Sudhakar
AGP for Respondents No. 1 & 2 :
Mr. G. L. Deshpande
Advocate for Respondent No. 4 : Mr. V. S. Undre

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 28th FEBRUARY, 2019

PER COURT :

1. It is submitted that the deceased husband of the petitioner was terminated on 16.12.1998. He had challenged the order of termination before the school tribunal. During the pendency of the appeal before the school tribunal he died and legal heirs of the petitioner prosecuted the appeal. The appeal was allowed. The order of termination was set aside and it was held that he will be deemed to be in service till the date of his death i.e.

18.05.2001 and he is entitled for full back wages till the date of his death and ancillary benefits.

2. Mr. Bedre, learned counsel for the petitioner further submits that the salary is not paid to the husband of the petitioner since the year – 1995 till the date of death of husband of the petitioner.

3. It is submitted by the institution that the salary bills are forwarded from 16.12.1998 till 18.05.2001.

4. In case such salary bills are forwarded, the Education Officer shall take decision upon the said salary bills within a period of three (03) months from today, after verifying the record and that for the said period the post of the deceased husband of the petitioner the salary was not paid to any other employee, and if he comes to the conclusion that the said salary was payable to the deceased, then same shall be payable to the legal heirs prosecuting the appeal within a period of

three months (03) thereafter.

5. The petitioner at the most would be entitled for the subsistence allowance on account of suspension of the deceased from the date of suspension till the date of termination. The petitioner may present and prosecute the same with the management, as it is submitted that without permission of the Education officer the management had suspended the deceased.

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

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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