

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
5 WRIT PETITION NO.1076 OF 2016**

RAMCHNAD LALCHAND KARWARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS

..RESPONDENTS

...

Mr. Ramesh R. Imale, Advocate for the Petitioner.

Mr. S. M. Ganachari, AGP for Respondents-State.

Mr. S. S. Thombre, Advocate for Respondent No.3.

...

CORAM : S. V. GANGAPURWALA &

A. M. DHAVALA, JJ.

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner claims arrears of the salary. It is not disputed by either parties that the petitioner has worked up to 15.06.2016. It is submitted that the petitioner is appointed on 02.01.2006 and has not been paid salary. The respondent no.4 in the affidavit has admitted that the salary has not been paid.

2. We certainly would not consider the case of the petitioner for the payment of salary since 2006. We would consider the claim of the petitioner for payment of salary of past three years of filing of the writ petition only.

3. As it is not disputed that the salary was not paid, however, the petitioner was working up to 15.06.2016. It is the contention of the respondent

nos.3 and 4 that the petitioner on his own willingness had joined it, as such, is not entitled for salary. When the work has been extracted, the petitioner is required to be paid salary. The Respondents cannot be allowed unjust enrichment on that count. As far as the quantum of salary is concerned, it will be for the Deputy Director of Education to determine the same and as observed above, the same would be restricted only for past three years of filing of the writ petition.

4. In the result, the petitioner may appear before the Deputy Director of Education. The Deputy Director of Education shall after considering the statement of the petitioner with regard to the arrears of the salary and also of the respondent nos.3 and 4 shall determine the quantum of salary admissible and payable to the petitioner for a period of three years that is from 25.01.2013 to 15.06.2016. The same shall be done within a period of six months from the date of the receipt of the application from the petitioner and after hearing all parties concerned.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE