

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
23 WRIT PETITION NO.2608 OF 2018**

ASHOKKUMAR RANGANATH TIKHE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER .RESPONDENTS

...

Mr. Balaji S. Shinde, Advocate for the Petitioner.
Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATED : 16th APRIL, 2019.

PER COURT:-

1. Mr. Shinde, learned counsel for the petitioner submits that the salary has been paid late to the petitioner. The petitioner is entitled for the interest at the rate of 12% per annum atleast from March 2014 the date the order of termination is set aside and the salary bills are submitted to the Education Officer.

2. The learned A.G.P. submits that there was a dispute with regard to treating the period of absence of petitioner from 2011 to 2014. The amount was to be adjusted. In view of that the delay was caused.

3. This Court under order dated 26.07.2016 in writ petition no.5010/2016 had directed the Education Officer to process the salary bills of the petitioner in accordance with the procedure

established and keeping in view the approval granted to the appointment of the petitioner. Thereafter, Contempt Petition was filed bearing Contempt Petition No.757/2016. Under order dated 27.9.2017 the same was disposed of with following observations:

"The salary bill was submitted by the Head Master for the period February 2006 to May 2011 and April 2014 to October 2014 amounting to Rs.12,81,999/-, However, the Head Master had further added a rider that recovery if any adjusted in the Bill to the tune of Rs.11,89,452/-. The Education Officer is taking a stand that this amount is adjusted as amount of unauthorised absence of the petitioner from 2011-2014.

We cannot fathom this contention. The learned Single Judge of this Court in Writ Petitions No.2516/2013 and 5635/2007 had set aside the termination dated 14/06/2011 and directed reinstatement with continuity and backwages. The said order is passed on 6/3/2014. The respondents cannot now aver that the petitioner was unauthorisedly absent from 14/6/2011 till the end of March, 2014. The said amounts ought not to have been deducted. It appears that the petitioner is entitled for Rs.10,57,440/-. The management has already submitted the salary bill to the Education Officer which is received by Speed Post by the respondent Education Officer. The Education Officer shall process it and pay the admissible salary to the petitioner for the period from February 2006 to May 2011 and shall not reject it on the ground that the said amount is to be adjusted on account of absence of the petitioner from 2011 to April 2014. The same shall be processed expeditiously preferably by 10/10/2017. Place the matter on 12/10/2017."

4. It appears that, the amount was subsequently paid. The Education Officer misread the order of the Court. We may allow a reasonable time to process the salary bills say for a period of three months. The respondent-State shall pay interest at the rate of 6% per annum (simple interest) from 01.10.2016 till 13.10.2017 on an amount of Rs.10,57,440/-. The said amount shall be paid within period of four months.

5. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE