

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**41 WRIT PETITION NO.11908 OF 2018
WITH CP/150/2018 IN WP/10597/2016**

BHAGWAN DHANRAJ PAWAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. B. L. Sagar Killarikar, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Kishor D. Khade, Advocate for Respondent No.4.

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

DATED : 6th MARCH, 2019.

PER COURT:-

1. We have heard learned counsel for the
petitioner and the learned A.G.P..

2. The petitioner is assailing the order
dated 05.09.2018 only to the limited extent of non-
payment of salary by the State Authority for a
period 01.07.2009 to 14.06.2018. The only ground
on which the salary for the said period is directed
to be borne by the Institution is that the
petitioner was appointed though there was no
permission from the competent authority and that
the appointment order did not bear the date and
number.

3. The petitioner had earlier also approached this Court by filing writ petition bearing no.10597/2016. The same was allowed under order dated 06.10.2017. It was observed that it would be too late in the day now to contend that the prior permission was not obtained. The same was observed in view of the fact that initial approval was granted to the petitioner and to other similarly situated employees the permanent approval is also granted in the year 2015. As such the same ground would not subsist now. The other ground is that the appointment order does not bear the outward number and date. It appears that the same was also scrutinized by the Assistant Commissioner and had recommended for grant of permanency from 01.01.2010. In fact for the year 2008-2009 the approval was granted to the appointment of the petitioner for one and half year. There is nothing to show that petitioner was not working with the amalgamated society. All other persons at the relevant time are granted approval in the year 2015.

4. Considering the above, the respondents shall pay salary to the petitioner for a period of 01.07.2009 onwards. The arrears shall be paid within a period of six months.

5. Writ Petition is disposed of. No costs.

6. In view of the disposal of the writ petition, the contempt petition also stands disposed of.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/March-19