

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3285 OF 2018

1. Hemant S/o Vanaji Chaudhari,
Age: 39 Years, Occu.: Service (as Lecturer),
R/o.: Ganga-Sagar Housing Society,
Gut No.53, Plot No. 59, Shiv-Colony, Jalgaon
2. Prasanna S/o Bhaskar Patil,
Age: 38 Years, Occu.: Service (as Lecturer),
R/o.: At Post-Khirdi (Bk.),
Tal. : Raver, District: Jalgaon
3. Javed Ahmad Rais Ahmad Shaikh,
Age: 39 Years, Occu.: Service (as Lecturer),
R/o.: H. No. 2229, Sayyed Wada,
Erاندول, Tal: Erاندول, Dist.: Jalgaon
4. Milindkumar S/o shriram Mahajan,
Age: 37 Years, Occu.: Service (Store-Keeper),
R/o: A-1, Ahuja-Nagar, Nimkhedi Shivar,
Jalgaon
5. Nitin S/o. Ramdas Marathe,
Age: 32 Years, Occu.: Service (as Lab-
Technician), R/o. Plot No. 17,
Vishwakarma-Nagar, Near Aditya Hotel,
Rameshwar Colony, Mehrun Talav Road, Jalgaon
6. Chandrakant S/o Baburao Patil,
Age: 46, Occ.: Service (Peon),
R/o.: At Post-Asoda (Indiranagar),
Tal & District : Jalgaon
7. Samadhan S/o Madhav Khaire,
Age: 26 Years, Occu.: Service (Lecturer),
R/o.: Plot No. 19, Gut No. 32, Muktai-Nagar,
Jalgaon

8. Umesh S/o Navalakhrao Patil,
Age: 28 Years, Occu.: Service (as a
Lecturer), R/o.: At Post-Manur (Bk),
Tal. : Bodwad, Dist.: Jalgaon
9. Shirish S/o Bhagwat Warke,
Age: 31 Years, Occu.: Service (Lecturer),
R/o. Plot No. 22, Gat No. 199,
Savarkar Nagar, Pimprala,
Jalgaon
10. Yogesh S/o Vilas Fengade,
Age: 34 years, Occu.: Service (Lecturer),
R/o.: At Post-Makodi, Tal.: Motala,
District: Buldhana
11. Ms. Prachi Dilip Chaudhari,
Age: 32, Occu.: Service (Lecturer),
R/o.: Plot No. 11, Shri Hari Nagar,
Near Ganesh Colony Stop,
Jalgaon
12. Mrs. Yogita Milind Phade,
(Ms. Yogita Sharadchandra Hinge), Age: 44
Years, Occu.: Service (Lecturer), R/o At
Post-247, Shivaji-Nagar, Jalgaon
13. Ishwardas S/o Vasant Jadhav,
Age: 55 Years, Occu.: Service (Carpenter
Instructor), R/o.: Vidyanagar, Faizpur,
Tal: Yawal, Dist.: Jalgaon
14. Sanjay S/o Kisan Patil,
Age: 56 Years, Occu.: Service (Turner),
R/o.: At Post-Padalse, Tal.: Yawal,
Dist.: Jalgaon
15. Sanjay S/o Rambhau Patil,
Age: 45 Years, Occu.: Service (Fitter),
R/o.: Adawad, Shimpi Galli,
Tal.: Chopda, District: Jalgaon

Versus

1. The State of Maharashtra
through Secretary, Higher &
Technical Education Department,
Mantralaya, Mumbai-32
2. The Director,
Directorate of Technical Education,
Maharashtra State, 3, Mahapalika Marg,
Mumbai
3. The Joint Director,
Directorate of Technical Education
(Nasik Region), Govt. Polytechnic Campus,
Samangaon Road, P. B. No. 219,
Nasik
4. All India Council for Technical Education,
through it's Regional Officer,
Western Region Office, Industrial Assurance
Building, 2nd floor, Veer Nariman Road,
Churchgate, Mumbai
5. The P. F. Commissioner,
Employees' Provident Fund Organisation,
Sub-Regional Office, Plot No. P-11, Bhavishya
Nidhi, MIDC, Satpur, Nasik
6. Shree Sant Muktabai Sansthan Edlabad (Muktai
Nagar), Dist.: Jalgaon,
through it's Chairman
7. Shree Sant Muktabai Institute of Technology,
Bhikamchand Jain Nagar, Pimprala Road, P.B.
No. 132, Jalgaon, through it's Principal

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Advocate for Petitioners: Mr.Deshmukh Bhausaheb S.
AGP for Respondents No. 1 to 3 : Mr. S. K. Tambe

Advocate for Respondent No. 4 : Mr. S. V. Adwant
Respondent 5 - served
Advocate for Respondents No.6 & 7:Mr. V. R. Dhorde
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**CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE: 24th JANUARY, 2019

ORAL JUDGMENT (Per S. V. GANGAPURWALA, J.):

1. Rule. Rule made returnable forthwith. With the consent of learned counsel for respective parties writ petition is taken up for final hearing.

2. The petitioners are the members of the teaching and non-teaching staff working with respondent no. 7 / Shree Sant Muktabai Institute of Technology run by respondent no. 6 / Shree Sant Muktabai Sansthan. The grievance of the petitioners is that they are not paid their salaries since June-2016 till the date of filing of the petition.

3. Mr. Deshmukh, learned counsel for the petitioners submits that the petitioners are

working since many years with the respondent / institution. Earlier also they had stopped the payment of the salaries. Some of the petitioners along with other members of the teaching and non-teaching staff filed Writ Petition no. 5178 of 2015. This Court under its judgment and order dated May 5, 2016 directed the respondents to release the payable dues to the concerned petitioners within one month from the date of order and to regularly pay the salary on or before the 10th day of each succeeding month. The respondents are not paying the salary to the petitioners regularly. The petitioners who were parties to the Writ Petition No. 5178 of 2015 are paid the salary regularly by respondents no. 6 and 7. The petitioners are entitled for salary.

4. Mr. V. R. Dhorde, learned counsel appears for respondents no. 6 and 7 and made submissions in tune with the affidavit filed by respondents no. 6 and 7. The contention of respondents no. 6 and 7 is that the financial position of the institution

is not good. The petitioners are aware of the financial difficulties. The respondents have applied for sale of the certain properties of the trust. Even advertisement was issued for the said purpose. The offers received were drastically low compared to the value of the properties as per ready reckoner. Again therefore advertisement was issued. Some buyers have shown interest in some of the properties. Application is also filed before the learned Joint Charity Commissioner, Amravati to sell the properties. After the permission is granted the grievance of the petitioners for payment of the arrears of salary will be met.

5. On being confronted with the judgment of this Court in Writ Petition No. 5178 of 2015 dated May 5, 2016 the learned counsel for the respondents could not dispute that the petitioners in the present writ petition are similarly situated as the petitioners in Writ Petition No. 5178 of 2015. It is also not seriously disputed that the petitioners are not paid the salary since

June-2016.

6. It is beyond comprehension that the members of the teaching and non-teaching staff should perform their functions without being paid their salary for two and half years. It would be difficult for these petitioners to maintain their livelihood. Except the cause of financial condition no other cause is put forth by the respondents to oppose the prayer of the petitioners. In fact, when this Court has already passed an order on May 5, 2016 in Writ Petition No. 5178 of 2015 the respondents no. 6 and 7 ought to have implemented the order with regard to all the employees and not restricted it to those who were parties in the said writ petition. More so, when these petitioners are similarly placed. It is for the respondents to take steps to make payment of the salary. The respondents have already made the petitioners wait for a long time. Two and half years have passed; the salary has not been paid. In fact, the respondents are required to make

payment of the salary every month.

7. As no other dispute exists and dictum of this Court in case of similarly placed petitioners is already on record, no further discussion is necessary.

8. The respondents no. 6 and 7 shall pay the petitioners their legitimate salaries since June-2016 and should pay monthly salary regularly.

9. Rule is made absolute in terms of prayer clause 'B' with further direction that the arrears shall be paid within a period of four (04) months from today and regular salary shall be released regularly before the 10th day of each month.

10. Writ Petition accordingly stands disposed of.
No costs.

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

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