

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1669 OF 2018
WITH
CIVIL APPLICATION NO. 5818 OF 2018

Sanjay Sadashiv Arakha and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Ms. P.S. Talekar, Advocate holding for
Talekar and Associates for Petitioners
Mr. K.B. Jadhavar, Assistant Government Pleader for
Respondent Nos. 1 and 2
Mr. S.R. Kolhare, Advocate for Respondent Nos. 4 and 5

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

DATE : 18th FEBRUARY, 2019

ORAL ORDER:

1. The petitioners claim payment of salary with effect from 20th June, 2010 till the date of their termination in December, 2017.
2. We have heard Ms. Talekar, the learned Counsel for the petitioners and Mr. Kolhare, the learned Counsel for the respondents.
3. The petitioners claim that the amount of salary is not paid to the petitioners whereas the respondent are relying upon the salary registers maintained by them and according to the respondents, the salary is paid and the petitioners have signed over it.
4. It is a case of the disputed question of fact. Moreover, as far as the salary with regard to grant is concerned, the same is required to be deposited in the account of the employees because the same is received from the State.

5. The respondents rely on the audit reports placed on record. According to the petitioners, they are prepared after the orders passed by this Court.

6. However, as it is the case of the disputed question of fact, we direct the petitioners to approach the Dy. Director of Education and file a comprehensive representation/application with regard to the payment of salary. The Dy. Director of Education shall after hearing the petitioners and also considering the record that would be produced by the Institution and after hearing both the parties take a decision as to whether the salary has been paid to these petitioners as claimed by respondent and the decision shall be taken within a period of four months from the date of the presentation of the representation by the petitioners.

7. The writ petition is disposed of. No costs.

8. In view of the disposal of the writ petition, the Civil Application stands disposed of.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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