

15 WRIT PETITION NO.790 OF 2018

VERSUS

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DATED : 16th APRIL, 2019.

2. The learned counsel submits that the petitioner on 07.02.2014 filed an application with

the Executive Engineer, Divisional Office, Osmanabad to allow the petitioner to join and accordingly the petitioner has worked at the Divisional Office, Osmanabad. The muster has been signed by the petitioner, however, the salary is not paid for the said period.

3. Mr. Mundhe, learned counsel for the respondents submits that the petitioner has been paid salary from 01.03.2015. The petitioner was working at Ambi so the petitioner could not have joined at the Divisional Office, Osmanabad. The petitioner is required to join at Ambi. The order to the petitioner is issued for joining on 09.03.2015 at Ambi and thereafter petitioner is working at Ambi from 10.03.2015. In view of that the petitioner is not entitled for salary from 07.02.2015 to 28.02.2015.

4. According to respondents the petitioner is paid salary from 01.03.2015 and the period 13.07.2013 to 06.02.2015 has been considered as leave without pay. The same is subject matter of challenge in another writ petition.

5. In view of that we are not required to consider about the period from 13.07.2013 to 06.02.2015.

6. It is not disputed that the joining order could have been issued to the petitioner by the

Executive Engineer at Divisional Office, Osmanabad. On 07.02.2014 the petitioner filed application with the Executive Engineer at the Divisional Office, Osmanabad. There are rival claims. The petitioner contends that the petitioner has worked at the Divisional Office, Osmanabad from 07.02.2015 onwards till 09.03.2015, whereas the case of the respondent is otherwise.

7. In view of the above, we direct the Superintending Engineer of the respondent to verify the record and conclude as to whether the petitioner has actually worked from 07.02.2015 to 09.03.2015 at the Divisional Office, Osmanabad, so also whether the petitioner is allowed to join at the said office and take decision about the entitlement of the petitioner for the salary for the said period within a period of two months from today.

8. Writ Petition is disposed of. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE