

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8134 OF 2017

Mr.Sadashiv Balkrishna Raktade .. Petitioner
And
Yashwant Shikshan Prasarak Mandal and anr. .. Respondents

Mr.S.D.Paithane I/b Mr.A.S.Raktade, for Petitioners.
Mr.Meelan Topkar, for Respondents No.1 and 2.
Mr.S.S.Panchpor, AGP for State.
Mr.Amit Borkar, for Respondent No.3.

**CORAM : S.C.DHARMADHIKARI &
M.S.KARNIK, JJ.**

**RESERVED ON : 11th FEBRUARY, 2019
PRONOUNCED ON : 18th APRIL, 2019**

ORDER (PER M.S.KARNIK, J) :

Not on board. Taken on board.

. Rule. The respondents waive service. By consent,
Rule made returnable forthwith and heard finally.

2. By this Petition filed under Article 226 of the
Constitution of India, the petitioner prays for a direction to
respondents No. 1 and 2 to comply with the decision/order

dated 12/11/2006 of respondent No.2 for payment of arrears to the petitioner as per report made by the Grievance Committee. Along with this Petition, we heard Writ Petition No. 13844 of 2017 filed by the Management challenging the communication dated 16/11/2006 of which the petitioner seeks implementation in this Petition.

3. For the reasons mentioned in the Judgment and Order in Writ Petition No. 13855 of 2017, we have rejected the challenge of the Management to the impugned order dated 16/11/2016. The challenge of the Management to the order dated 16/11/2016 has failed in view of the authoritative pronouncement of this Court in the case of **Shri Salunkhe Jayawant Vishnu and ors. Vs. State of Maharashtra and ors. in Writ Petition No. 8493 of 2004** decided on 16/08/2018. Consequently, the present Petition deserves to be allowed.

4. The Petition is allowed in terms of prayer clause (a) which reads thus, except the bracketed portion.

(a) By appropriate Writ, Order or Directions respondents no.

1 & 2 be directed to comply with the impugned decision/order of respondent no.3 taken as per the order of this court in Writ Petition No. 1908/2014 and pay to the petitioner all the arrears of pay and allowances as per Rules (with interest at the rate of 18% from the date of demand i.e. 17/12/2012, till the date of actual payment.)”

5. The prayer for interest is rejected.

6. Rule is made absolute in the above terms with no order as to costs.

7. At this stage Mr.Topkar appearing for respondent Nos.1 and 2-Mandal prays for stay of this order. The request is opposed by Mr.Paithane appearing on behalf of the petitioner.

8. Having heard both sides on this limited point and finding that the issue or controversy in the petition is answered by following the judgment of the Hon'ble Supreme Court, we do not think that the request as made by Mr.Topkar deserves to be granted. It is refused.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)