

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO. 3723/2017

(Smt. Sushama Yadavrao Gedam vs. The Additional Tribal Commissioner,
Nagpur and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri S.D.Patil, Adv. h/for Shri S. P.Kshirsagar,
Advocate for petitioner
Ms. N.P. Mehta, AGP for respondent no.1
Shri Tejas Deshpande, Adv.h/for Shri Firdos Mirza,
Advocate for respondent nos.2 and 3

CORAM : **R.K. DESHPANDE &
VINAY JOSHI, JJ.**

DATED : **18th June, 2019.**

This petition seeks a direction to the respondents to release the salary of the petitioner. In response to the notice issued by this Court, an affidavit has been filed by respondent no.1, paragraph no.3 of which, reads as under :

"3. The petitioner's service is regularized as per sanction given on 06.11.2013 by the answering respondent, copy whereof is annexed herewith as Annexure R-1. The bill for said arrears of salary of the petitioner came to be submitted along with salary bill of November, 2018 and same is annexed herewith as Annexure R-II. Though the bill was raised with arrears but the Additional Treasury Officer, Chandrapur raised an objection that said bill being for a period earlier than six years and it requires sanction of competent authority. Copy of said objection is annexed herewith as Annexure R-III. The Project Officer of Integrated

Tribal Development Project cleared the objections of salary bill and which was resubmitted to the Treasury, which has been cleared by the Treasury. Thus the delay caused in the payment is due to respondent no.3. The payments sought by the petitioner in the instant petition have been paid to her and the bill for the arrears of salary of the petitioner for the said period 02.05.2009 to 31.12.2010 is paid so also the payments for 01.01.2011 to 27.03.2011 was paid with the salary bill of September,2018, these facts have been informed by the respondent no.3-School, by communication dated 13.06.2019 copy thereof is annexed herewith as Annexure R-IV. “

In view of the aforesaid statements as well as salary paid to the petitioners, we do not find that grievance of the petitioner survives.

So far as the claim of interest is concerned, we find that there is no justification in claiming interest on salary. Hence prayer for interest is rejected.

The Writ Petition stands disposed of as infructuous.

JUDGE

JUDGE