

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8695 of 2002

ORDER:

This writ petition is filed seeking arrears of salaries from October 1996 till the posts of the petitioners were approved by the competent authority i.e. 30.11.1999.

2. It has been contended by the petitioners that they were appointed in the 6th respondent-Institution in aided posts after undergoing regular selection process. The 6th respondent submitted proposals to the competent authority for approving the appointment of petitioners. The competent authority rejected the cases of petitioners for approval. Challenging the said rejection orders, petitioners have filed W.P.No.12922 of 1999 before this Court and this Court disposed of the said writ petition on 28.06.1999, directing the respondents to consider the cases of petitioners for approval. Only after disposal of the said writ petition, the competent authority approved the appointment of petitioners vide proceedings dated 01.12.1999 with immediate effect, but not with effect from October 1996. The grievance of the petitioners is that as all of them have been discharging their duties in the aided vacancies since October 1996, they are entitled for salaries from the said period. Therefore, counsel for petitioners contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for payment of arrears of salaries from October 1996 till December 1999.

3. The Government Pleader appearing for respondents has contended that the petitioners are not entitled for payment of arrears of salaries from October 1996, as the 6th respondent-Management had submitted proposals only on 01.05.1997, and the same were approved on 01.12.1999 with immediate effect, but not with effect from October 1996. Therefore, there are no merits in the writ petition and it is liable to be dismissed.

4. This Court, having considered the rival submissions of the parties, is of the considered view that so far, the respondents have not passed any orders on the request made by the petitioners in respect of payment of arrears of salaries from October 1996 till December 1999. Therefore, this Court is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation seeking arrears of salaries from October 1996 till December 1999 within two weeks from the date of receipt of a copy of this order, and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another Eight weeks thereafter.

5. With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th September 2019
ajr