

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 1850 OF 2019
WITH
CA/9208/2019 IN WP/1850/2019**

**ARUN RAGHUNATH NIMBADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Patil Vinod Prakash
AGP for Respondents No. 1 & 2 : Mr. P. G. Borade
Advocate for Respondent No. 3 : Mr. M. K. Goyanka

...

**CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE: 14th JANUARY, 2020

PER COURT:

1. It is contended by Mr. Patil, learned counsel for the petitioner that the petitioner is not paid salary since March 2018. As per the recent transfer order dated 18.12.2019, the petitioner had joined at Kingaon on 24.12.2019. There is vacancy available at Padalsa. The respondent be directed to accommodate the petitioner at Padalsa and include his name in Sevarth pranali. The respondent be directed to pay the regular salary to the petitioner along with arrears immediately.

2. The learned counsel for the Zilla Parishad submits that only one post was available at Padalsa and another person was already functioning at Padalsa. As the post was not available, the name of the petitioner can not be taken up in Sevarth Pranali. Subsequently, on 18.12.2019 the petitioner is transferred to Kingaon. On affidavit it has been stated that the due and regular salary would be paid to the petitioner in a short time.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Paragraph no. 9 of the *affidavit in reply* filed by respondents no. 3 and 4 reads thus-

"...

9. *The deponent most respectfully submits that, Earlier due to the problem in Online Sewa Pranali payment/salary of petitioner was not done, as there was only one sanctioned post and already another employee is working over there. Now by considering the problem of the petitioner he is transferred at vacant post at Primary Health Center Kingaon, Tq. Yawal, through order dtd. 18.12.2019. Now as soon as he will join at Kingaon Primary Health Center, the process of releasing his due salary and regular salary will get started and in the span of short time he will*

get of his due and regular salary. The copy of transfer order dtd. 18.12.2019 is annexed herewith and marked as an EXHIBIT "R-1".

5. It would appear that the respondents have undertaken to initiate the process of releasing the due salary as well as regular salary in short time. The respondents shall pay the regular salary to the petitioner regularly and shall also pay the arrears expeditiously and preferably within a period of three (03) months from today. As far as request of the petitioner for transfer is concerned the petitioner may approach the authority in that regard, which application would be considered by the authority on its own merits.

6. Writ Petition accordingly stands disposed of.
No costs.

7. In view of disposal of the writ petition, the civil application also stands disposed of.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]