

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

WRIT PETITION NO.12119 OF 2019

1. Ashish Yadav Bharambe,
Age – 36 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 2. Yogeshwar Dinkar Kolhe
Age – 35 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 3. Manoj Bhanudas Chaudhari,
Age – 32 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 4. Smt. Usha Bhagwan Bharambe,
Age – 57 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 5. Vijay Ramdas Tayde,
Age – 48 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 6. Swati Laxaman Tayade,
Age – 42 years, Occ.Service
r/o. Faizpur, Tq. Yawal,
Dist. Jalgaon
 7. Sunil Dhanraj Mahajan,
Age – 42, Occ. Service,
Gurudatta Colony Faizpur (Rural),
Tq. Yawal, Dist. Jalgaon
- ..Petitioners

Vs.

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai
2. The Director of Education,
(Higher Education), Maharashtra State,
Central Building,
Pune – 1
3. The Joint Director of
Higher Education,
Jalgaon Region, Jalgaon,
Behind Jalgaon District
Consumer Forum,
Jalgaon
5. The Tap Parisar Vidyamandal,
Faizpur, Tq.Yawal, Dist. Jalgaon
through its Chairman
6. Women's College of Education,
Faizpur, Dist. Jalgaon
Through its Principal
7. Shikshan Shulka Samiti,
305, Government Polytechnic
Building, 49, Kherwadi,
Ali Yawar Jung Marg, Bandra (E)
Mumbai 400051

..Respondents

Mr.Ajay Talhar, Advocate for petitioners
Mr.S.S.Dande, AGP for respondent nos.1 to 3
Mr.S.V.Natu, Advocate for respondent no.6

**CORAM : SUNIL P. DESHMUKH
AND
R.G. AVACHAT, JJ.**

DATE : DECEMBER 09, 2020

ORAL JUDGMENT (*PER SUNIL P. DESHMUKH, J.*) :-

Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, petition is taken up for final hearing.

2. This petition has been moved for recovery of salary from March, 2012. Petitioners were appointed on their respective posts from 1991 to 2006 and have been continued in service without interruption. Petitioners claim that they were receiving salary in their respective pay-scales till March, 2012. Thereafter, no salary is being paid to them. Initial approaches for salary were responded to with assurance, however, nothing fruitful had been coming forth. Petitioners approaches to various authorities also did not fructify. As such, present petition had to be resorted to.

3. Mr. Talhar, learned counsel, states that earlier, other employees of same Institution had been before this Court in Writ Petition No.9666 of 2014 and therein, a division bench has passed an order on 10-02-2017, directing respondents no. 5 and 6 to pay arrears of salary to the petitioners therein, within six months and to further keep on regularly paying salary to them.

4. Mr. Nattu, learned counsel for respondents no. 5 and 6 submits that respondent/Institution is not getting sufficient strength of students and as such, due to shortage of funds, salary could not be paid. He submits that petitioners have been paid part salary by way of dues towards L.I.C., P.F., etc., till 2014 and part salary was also paid till 2016. Respondents no.5 and 6 are depositing L.I.C. premium, P.F. contribution, etc., whenever funds would be available. He further refers to that a matter with regard to disposal of immovable property of the Institution is pending with the office of Joint Charity Commissioner, Nashik, proceeds of which may be able to meet with the demands made in this petition.

5. Mr. Talhar submits that nothing has been placed on record to show that petitioners had ever been paid after March, 2012 in any way and much less contended payments about dues of L.I.C., P.F. upto 2014 and part salary upto 2016.

6. Perusal of order dated 10-02-2017 in Writ Petition No.9666 of 2014 shows that the division bench then had taken stock of the situation and had observed that if statutory obligation to pay salary to teachers is not complied with, this court would intervene and further referred that payment of salary is imperative.

7. In the instant case, though it is stated that part salary was being paid to petitioners upto 2016, no credible material has been made available on record to indicate the same. The statement in respect of payment dues towards L.I.C., P.F. etc., has not been substantiated by any material.

8. In the circumstances, it appears expedient to follow the course adopted vide decision dated 10-02-2017 in Writ Petition No.9666 of 2014 and as such, respondents no. 5 and 6 shall pay arrears of salary/unpaid dues to petitioners within six months from today and shall continue to pay to petitioners salary from present month onwards, regularly. Writ petition is accordingly allowed. .

9. Rule is made absolute accordingly.

[R.G. AVACHAT, J.]
kbp

[SUNIL P. DESHMUKH , J.]