

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO. 2643 OF 2019

IN

WRIT PETITION NO. 377 OF 2017

(Tarachand Khadse Magasvargiya Shikshan Prasarak Sanstha, Nagpur & anr..vs.. Rajesh s/o.
Somanlal Turkar & Ors.)

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

Court's or Judge's orders.

Shri A.Z. Jibhkate, Advocate for petitioner.
Shri Ninad Ghugre h/f Shri P.B. Patil, Advocate for respondent No.1.
Shri A.A. Madiwale, AGP for respondent Nos. 2 & 3.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 15th JANUARY, 2020.

1. By this application, the original appellant has prayed for the releasing of his salary as per the 7th Pay Commission including notional increments, for the period of his termination from 19.10.2007 to 10.3.2019.

2. I have heard the learned Advocates for the respective sides and the learned AGP on behalf of the Education Officer.

3. It is informed that the appellant who succeeded before the School Tribunal, has suffered an interim order of this Court dated 6.3.2019, vide which he is granted reinstatement, but the payment of his back wages has been stayed. This Civil Application, therefore, cannot be entertained to that extent.

4. I have considered the controversy between the management and the Education Officer and find that the original appellant is being tired out by making him run from pillar to post. The appellant has received his salary as per the 7th Pay Commission Recommendations, minus the increments, for the months April, May and June 2019. From July 2019, he has not received his salary. The management submits that the revised proposal of the appellant has been forwarded to the Education Officer. The Education Officer reverted on the proposal by stating that a copy of the service book of the appellant be annexed. The learned Advocate for the Management submits that this has also been done in October 2019, and the Education Officer is sitting over the said bills.

5. The learned AGP points out from the affidavit in reply filed by Shri Praful Madhavrao Kachare, Education Officer, Secondary dated 10.1.2020, wherein the affidavit is devoted to the issue of the appellant being not eligible for back wages at this stage in view of the interim order of this Court. However, there is no whisper as to why the appellant is not being paid his salary from July 2019 onwards.

6. In view of the above, this Civil Application is partly allowed. The Education Officer shall remain present in the Court on 3.2.2020 along with an order of sanctioning / approving the bills of payment to be made to

the appellant, failing which this Court would order stoppage of payment of salary to the Education Officer. As long as the appellant is not paid, an interest would be imposed on the unpaid salary @ 6% per annum from July 2019 and the said interest amount would be recovered from the personal salary of the Education Officer.

7. Stand over to 3.2.2020, in the urgent admissions category.

(Ravindra V. Ghuge, J.)