

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO.5903 OF 2020

SWAPNIL MADHUKAR MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. V.S. Panpatte, Advocate for the petitioner.
Mr. S.B. Yawalkar, A.G.P. for respondent Nos. 1 to 4.

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CORAM : **RAVINDRA V. GHUGE &
AVINASH G. GHAROTE, JJ.**

DATE : 28-06-2021.

ORDER :

1. On 23.06.2021 we had passed the following order.

“1. The petitioner has prayed for release of arrears of salary as per salary bills at Annexure – C (page 13) and for further payment of salary on regular basis i.e. on monthly basis. It is also submitted that respondent No. 2 Deputy Director of Education has already included name of the petitioner in the Shalarth Pranali for the purpose of releasing of his salary, and therefore, there are no legal impediments for accepting his prayer. It is also submitted that respondent No. 5 Educational Institution supports the petitioner and had forwarded the salary bills.

2. In view of the above, we are issuing notice only to respondent Nos.2 to 4. The learned A.G.P. waives service of notice on behalf of these respondents and undertakes to gather instructions, especially from respondent Nos.2 and 3.

3. We are listing this petition for consideration on 28th June 2021 in the urgent admissions category”.

2. Today, the learned A.G.P. places on record a communication dated 28.06.2021 received by him from the

Education Officer (Secondary), Zilla Parishad, Jalgaon and Superintendent (Pay Unit), Jalgaon. It is conceded that the petitioner has not been paid his salary for the period from 15.09.2014 till 28.02.2019. The outstanding amount is Rs. 4,24,573/-.

3. The learned Advocate for the petitioner submits that the petitioner has virtually spent the above period in starvation from September 2014 till February 2019 though he has wholeheartedly worked during this period. It is only from March 2019 that he is getting salary on regular basis. He, therefore, prays for 10% interest on the outstanding amount.

4. The learned A.G.P. prays that no interest be levied since the Government is short of funds and it would take at least 12 weeks to clear his outstanding dues.

5. Considering the above, we dispose off this petition with the direction to respondent Nos. 1, 2 and 3 that the amount of Rs.4,24,573/- shall be paid to the petitioner as expeditiously as possible and in any case before 31.07.2021, failing which the said amount would carry interest at the rate of Rs. 6% per annum from the date of approval.

(AVINASH G. GHAROTE)

(RAVINDRA V. GHUGE, J.)