

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

WRIT PETITION NO. 1394 OF 2021

Navnath s/o Pandurang Vadak

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.T. Shelke, Advocate for petitioner

Mrs V.S. Choudhary, A.G.P. for respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th January 2021

PER COURT :

1. The learned Counsel for the petitioner submits that payment for the period from the date of appointment ought to be borne by the Government.
2. It is submitted that appointment of the petitioner as a Peon is approved on honorarium from year 2008. The petitioner's appointment was approved and from 1.1.2011, the petitioner was brought on pay-scale as a Peon, but under the impugned order, though approval has been granted from the initial date of appointment, the Education Officer has directed that upto 4.9.2017, the salary shall be paid by the Management and not by the State.
3. The learned A.G.P. submits that earlier, from time to time proposals were rejected. As such, the payment upto the date of order of this Court shall be borne by the Management.
4. The reason mentioned in the order of approval for payment of salary by the Management does not appear to be reasonable and proper. If the petitioner's services are approved from the initial date of appointment and post is filled on honorarium, after lapse of three years, the same should be

on regular pay-scale and if the said post is on 100% grant-in-aid post, then the salary is to be borne by the State.

5. In light of above, the impugned order is quashed and set aside.

6. The respondents shall re-consider the proposal only to the extent of payment of salary from 1.1.2011. In case the petitioner's appointment was on 100% grant-in-aid post, then from 1.1.2011, the Education Officer shall pass orders of payment of honorarium/salary through the Education Department. The same shall be done within three months.

7. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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