

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

1005 WRIT PETITION NO.1152 OF 2019

RAJENDRA RAMESH UPADHYE

.. Petitioner

VERSUS

SARDAR VALLABHABHAI PATEL

ARTS AND SCIENCE COLLEGE

AINPUR, THR PRINCIPAL AND OTHERS

.. Respondents

...

Advocate for Petitioner : Mr Madhav M Bhokarikar

Advocate for Respondent No.1 : Mr A.G. Talhar

Advocate for Respondent No.2 : Mr A.B. Girase

AGP for Respondent / State : Mr P.K. Lakhotiya

...

**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 05-08-2021

PER COURT : -

1. Mr Bhokarikar, learned Advocate for the petitioner submits that the petitioner was in service with respondent no.1 / college from 1997 to 1999. The petitioner was not paid salary as per the pay scale. The petitioner approached the Grievance Committee. The Grievance Committee decided grievance in favour of the petitioner and directed the respondent to pay the salary as per pay scale. This Court also in Writ Petition No.4156 of 2005 under order dated 02-03-2007 observed that, 'it is for the University and College to consider this aspect in case payment of salaries are made in

accordance with scale'. The order of Grievance Committee was upheld.

2. The learned Counsel for the petitioner further submits that Contempt Petition bearing No.49 of 2008 was filed. In the said Contempt Petition, the college gave a cheque of Rs.31,379/-. It was observed that, in case the petitioner is not satisfied, he can raise his grievance with regard to the entitlement. Subsequently, the petitioner filed Writ Petition No.7800 of 2016. This Court under order dated 30-01-2018 disposed of the writ petition directing respondent no.2 / University to consider the petition as a representation and after giving opportunity, take appropriate decision. The decision arrived at by respondent no.2 is incorrect. The appointment of the petitioner for the year 1997-1998 was approved by the University. The petitioner had also worked for the year 1998-1999 with the college. The said aspect is not considered by the University.

3. Mr Girase, learned Advocate for Respondent No.2 submits that the University has considered the record produced by the both the parties and thereby arrived at the correct conclusion. The entire record such as the muster and other aspects were

considered.

4. Mr Talhar, learned Advocate for Respondent No.1 submits that the excess amount has been paid by the college to the petitioner.

5. We have considered the submissions. The litigation has a chequered history. The petitioner earlier approached the Grievance Committee. The Grievance Committee did not pass order with regard to an ascertained sum of money. It only said that the appointment of the petitioner for the year 1997-98 was approved by the University. The appointment of the petitioner for the year 1998-99 was not approved by the University and it was held that, the petitioner is entitled for the salary as is admissible. The order of the Grievance Committee was challenged before this Court by the college. The Writ Petitions filed by the college were dismissed. The present petitioner filed Contempt Petition. In Contempt Petition, cheque of Rs.31,000/- and odd was given to the petitioner and the Contempt Petition was disposed of. The petitioner subsequently filed Writ Petition bearing No.7800 of 2016. The same was disposed of with direction to the University to consider the case of both the parties and arrive at a conclusion as to the amount payable to the petitioner. The University

after giving opportunity to the petitioner and respondent no.1 determined the amount payable by the college to the petitioner as Rs.62,797/-. The College has paid an amount of Rs.73,016/- to the petitioner.

6. Before this Court, there is no document to arrive at a conclusion, the number of days the petitioner had worked with the institution. It certainly has to rely upon the decision arrived at by the University pursuant to the orders of this Court.

7. In light of that, the Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

...