

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 3877 OF 2021

Smt. Nandini Shripati Siddha

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Y. B. Lengare a/w. Mr. Wilson Robi for the Petitioner.

Mr. N. C. Walimbe, AGP for Respondent Nos.1 and 2.

CORAM : **R. D. DHANUKA &**
ABHAY AHUJA, JJ.

DATE : **20th SEPTEMBER, 2021.**

P. C. :

1. Heard learned counsel for the petitioner. He seeks leave to delete respondent nos.3 and 4.
2. Leave granted. Amendment to be carried out forthwith.
3. Rule. Rule is made returnable forthwith.
4. By consent of learned counsel for the petitioner and learned AGP, writ petition is heard finally. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking direction to respondent no.2 to decide the proposals dated 16.01.2016 and 16.02.2016 and further seeking direction to grant approval to the post of the petitioner as a peon w.e.f. 16.08.2003 and release the consequential benefits including the salary and arrears thereof.
5. It is submitted that the petitioner was appointed as peon on 10.08.2003 on clear permanent vacant post and joined services on 16.08.2003. The management had submitted the proposals in respect of the petitioner to respondent no.2 for granting approval on 31.12.2004, 17.04.2007, 26.12.2007, 03.10.2008, 28.01.2009, 21.02.2009, 18.07.2009, 17.11.2009, 12.07.2010, 28.12.2010, 28.04.2011, 16.01.2016, 16.02.2016 and 07.11.2019 along with requisite documents. On 12.09.2014 the management terminated the services of the petitioner. However, School Tribunal was pleased to set aside the

termination by an order dated 09.12.2015 and directed the management to reinstate the petitioner to her original post with consequential benefits, seniority, increment and continuity of service from 12.09.2014. On 15.12.2016 the management reinstated the petitioner and once again submitted the proposal to the respondent no.2 for approval.

6. It is the grievance of the petitioner that despite first proposal having been submitted in the year 2004, respondent no.2 has not decided the said proposal.

7. We note that the petitioner is a Class IV employee and has been suffering inaction on the part of respondent for more than 17 years.

8. This is a gross case for intervention by this Court. We, therefore, pass the following order :-

i) Respondent no.2 is directed to consider and decide the proposals dated 16.01.2016 and 16.02.2016 within a period of two weeks from the date of this order.

ii) If the proposal is favourably decided, respondent no.2 to release the salary, arrears and consequential benefits within four weeks from today with interest @ 8% per annum from due date till payment.

iii) This Court directs the learned AGP to bring this order to the notice of respondent no.1 as well as respondent no.2 so that the authorities to consider such proposals as that of petitioner expeditiously and to pass an appropriate order not beyond the period of eight weeks from the date of receipt of such proposals from the management.

iv) If the proposal is approved, the name of the petitioner shall be included in the Sevarth Pranali within two weeks from the date of approval to the proposal of the petitioner.

v) Writ petition is disposed of in aforesaid terms. Rule is made absolute accordingly.

vi) No order as to costs.

9. We loathe the practice of delaying consideration and decision on such

proposals especially considering the strata of society in respect of whom such proposals are being sent for consideration. The State Government may consider to issue Government Resolution directing the Education Officer to pass such orders within the time bound manner as prescribed in this order and if not complied with, the responsible officers shall be held responsible for non-compliance of the order passed by this Court and the directions as would be issued by the State Government.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]

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