

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

CIVIL APPLICATION (CAW) NO. 86 OF 2020

IN

WRIT PETITION NO. 7951 OF 2018

(Rameshwar s/o Nenraj Zade ..vs.. State of Maharashtra and others)

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

Court's or Judge's orders

None for the petitioner,
Mr. P.S. Patil, Counsel for the applicants-respondents 4 & 5,
Mr. N.R. Patil, A.G.P. for respondents 1 to 3

CORAM : ROHIT B. DEO, AND
SMT. PUSHPA V. GANEDIWALA, JJ.

DATED : 12-03-2021

Review is sought of the judgment dated 22-11-2019 *inter alia* on the premise that the salary for the period 27-7-2018 til 15-10-2018, which this Court directed to be paid to the petitioner-employee, is payable not by respondents 4 and 5, but by respondent 3- Education Officer.

2. While deciding Writ Petition 7951/2018, we observed in paragraph 5 thus :

“5. However, the enquiry was not completed within the statutorily prescribed period of 120 days and it is common ground that as of today there is no permission, even ex post facto to extend the said period. The 120 days period expired on 26-7-2018. In that view of the matter, and in view of the mandate of Rule 37(2)(f) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981, the petitioner is entitled to salary for the period 27-7-2018 till the date of

termination i.e. 15-10-2018, and we order accordingly.”

3. The Education Officer has already made it clear that the responsibility to pay the salary for the aforesaid period is that of the management and that the *post facto* approval to the suspension was on the condition that the responsibility to pay the salary shall be of the management. Mr. N.R. Patil, the learned Assistant Government Pleader points out that such is the order which is passed by the Deputy Director of Education, who is the competent authority.

4. In this view of the matter, we see no reason or occasion to clarify the order. In our considered view, since the salary for the concerned period was to be paid within eight weeks from the date of the judgment, *prima facie*, respondents 4 and 5 are in contempt. We direct that if the salary is not paid in its entirety within the next two weeks, the unpaid amount shall attract interest at the rate of 16% per annum, without prejudice to the right of the employee to prosecute the contempt petition, which we have been informed is already filed.

5. The application is disposed of in the afore-stated terms.

JUDGE

JUDGE

adgokar

**Prafulla
Adgokar**

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by Prafulla
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