

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

WRIT PETITION NO.1067 OF 2017
WITH
CIVIL APPLICATION NOS.1043 OF 2020 AND 1063 OF 2017

Ravindra Bhimrao Nistane, Principal Babaji Datey Kala Ani Vanijya Mahavidyalaya, Shivaji
Nagar, Yavatmal

-vs-

The Joint Director (Higher Education), Amravati Division, Amravati and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Yash Maheshwari, Advocate for petitioner.
Smt Sangita Jachak, Assistant Government Pleader for respondent
No.1.
Shri J. B. Kasat, Advocate for respondent No.2.
Shri P. A. Abhyankar, Advocate for respondent Nos.3 and 4.

CORAM : A. S. CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATE : September 23, 2021

Heard learned counsel in the context of prayers made in
Civil Application No.1043/2020 and in the writ petition.

By order dated 19/10/2015 the petitioner was appointed on the post of the Principal at the respondent No.4-College. In the order of appointment it was stated that the same was subject to final decision of Writ Petition No.5108/2015 that was preferred by one Shri Vivek Ramchandra Vishwarupe who had also made claim for the post of the Principal. Since the pay of the petitioner on the post of Principal was not fixed and his salary was not being released, he filed the present writ petition.

After admitting the writ petition it was noticed that on account of pendency of Writ Petition No.5108/2015 the salary of the petitioner could not be released.

Today Writ Petition No.5108/2015 has been disposed of as infructuous in view of the statement made by the learned counsel for the petitioner therein. We do not see any impediment now to consider the claim of the petitioner in view of the fact that his appointment was made subject to decision in that writ petition. It is submitted by the learned counsel for the petitioner that on 07/12/2019 he had made a representation to the respondent No.1 seeking release of his arrears of pay and amount of pension as per the recommendations of 7th Pay Commission. This was followed by the the reminder dated 04/01/2020. It is informed that the said representation is still pending with the respondent No.1. Interests of justice would be met by directing the respondent No.1 to take a decision on the said representation in view of subsequent developments. Accordingly the following order is passed :

The respondent No.1 shall take a decision on the representation dated 07/12/2019 within period of four weeks from the date the petitioner appears before the respondent No.1. The petitioner shall appear before the respondent No.1 on 27/09/2021 at 11.30 am. Within a period of four weeks from that day appropriate decision be taken in accordance with law.

Rule is made absolute in aforesaid terms.

The pending civil application is also disposed of.

JUDGE

JUDGE