

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.10835 OF 2019

Allouddin S/o Kondaji Chaudhari
Age 31 years, Occu. Service,
R/o Shri Sant Govind Smarak
Vidyalaya, Wanjarwada Tq. Jalkot,
District Latur

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through its Principal Secretary
Sports and Education Department,
Maharashtra State,
Mantralaya, Mumbai – 32
- 2] The Director,
Secondary and Higher Secondary
Education Department, Maharashtra State,
Pune
- 3] Deputy Director,
Divisional Deputy Director Office,
Latur, Dist. Latur
- 4] The Education Officer (Secondary),
Zilla Parishad, Latur Tq. and Dist. Latur
- 5] The Superintendent,
Pay and Provident Unit (Secondary),
Latur, Tq. and Dist. Latur

.. Respondents

...

Advocate for Petitioner : Mr. Gundre Suraj V.
AGP for the respondent – State : Mrs. V.N. Patil-Jadhav

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 11 AUGUST 2022

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner as also the learned AGP and perused the papers.

2. The petitioner is claiming interest for the period 07-07-2015 till the realization of the amount i.e. 12-03-2018 in respect of the arrears of salary which the respondent no. 3 were to pay to him pursuant to the order passed in writ petition no. 644 of 2015 whereby the respondents were directed to pay the arrears of his salary within three months from the date of the order which was passed on 28-11-2016.

3. Admittedly, the period in respect of which the interest is now being claimed partially fell during the pendency of the earlier writ petition which was disposed of on 28-11-2016. Apparently, there was no prayer claiming interest on the arrears of salary that was being claimed in that petition and consequently, the petitioner is not entitled to have the interest for the period till expiry of time of three months provided in the order of this Court. At the most, he would be justified in claiming interest beyond such period which was made available by this Court for clearing his arrears of salary.

4. There is no dispute about the fact that Rs.9,49,181/- towards the arrears of salary up to 31-05-2015 were paid to the petitioner on 12-03-2018.

5. In the affidavit-in-reply, an attempt has been made to demonstrate as to what steps were taken and what difficulties were faced by the department in complying with the order of this Court of drawing and disbursing the arrears of salary. Pertinently, the only step that seems to have been taken during the period of three months within which the order was to be complied, as mentioned in the affidavit-in-reply, is that a proposal was forwarded on 10-02-2017. Though affidavit-in-reply refers to some supervening events regarding technical lapses in clearing the arrears, in our considered view, the petitioner cannot be blamed therefor *albeit* the respondents may not be individually responsible for the delay. The fact remains that the order passed by this Court was not complied with. Since it is a matter of payment of arrears of salary, it was incumbent on the part of the respondents to pay the dues within the stipulated time. They having failed to do so, petitioner has been deprived of the money rightfully earned by him.

6. In the circumstances, it would be just and proper to award him simple interest on the arrears @ 6% per annum from 28-02-2017 till 12-03-2018. The amount shall be paid now within three (3) months.

7. Writ petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/