

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.11432 OF 2022

SUGAT SHIKSHAN PRASARAK MANDAL DEGLOOR THROUGH ITS
PRESIDENT AND ANOTHER

VERSUS

JYOTI NARAYAN AKKALWAR AND OTHERS

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Advocate for Petitioners : Mr. Patil Indrale Anand V.

Advocate for respondent No.1: Mr. H.P. Jadhav

AGP for Respondent No.3: Mr. S.G. Sangle

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 8th DECEMBER, 2022.**

PER COURT :-

1. By this petition, the management has put forth prayer clauses C and D, as under:-

“C. By issuing writ of certiorari or any appropriate writ, order or directions, the impugned judgment and order dated 03.10.2022 passed by the respondent No.3 appellate authority, in Appeal No. 01 of 2022 be quashed and set aside. Consequently the appeal filed by respondent No.1 before respondent No.3 be dismissed and for that purpose necessary directions be issued.

D. Pending admission, hearing and final disposal of this writ petition, the effect, operation and execution of the impugned judgment and order dated 03.10.2020 (sic. 03.10.2022) passed by the respondent No.3 appellate authority, in appeal No. 01 of 2022 be stayed and for that purpose necessary directions be issued.”

2. This matter was briefly heard on 29.11.2022 and was adjourned for today, to enable the parties to take instructions.

3. Considering the conspectus of the dispute and the litigation between respondent No.1, who is a blind and physically challenged lady employee and the management, that we suggested the petitioner management and respondent No.1, to make an attempt for resolving the dispute between themselves. A pass over was granted. After the matter was called post lunch, the learned advocate representing respondent No.1 employee submitted as under:-

- a) The employee was not paid her monthly salary from 1.6.2021 till 31.12.2021.
- b) She was suspended on 3.1.2022, without the permission of the District Social Welfare Officer and by order dated 3.10.2022, she succeeded in her proceeding i.e. Appeal No. 1 of 2022, before the Regional Deputy Commissioner, Social Welfare Department, Latur.
- c) She, therefore, submits that she is willing to sacrifice a portion of her wages and suspension allowance, if the management pays a portion of such unpaid salary and suspension allowance and closes the disciplinary proceedings.

4. The learned advocate for the petitioners submits, on instructions, that the management is agreeable to accept any

suggestion that would fall from the Court. The learned advocate for the employee submits that she also consents for the proposal that may be voiced by this Court.

5. After considering the above aspects, we formed a view, as under:-

- i) Out of 7 months unpaid salary of respondent No.1 employee, she may be paid the gross monthly salary for four months' and she would sacrifice 3 months' salary, considering the dispute as to whether she reported for duties, whether she signed the muster roll and whether she discharged her duties.
- ii) Insofar as the suspension period is concerned, the management would pay 60% of the gross monthly salary to respondent No.1 for the entire duration of 10 months of her suspension.
- iii) The management would reinstate respondent No.1 employee w.e.f. 15.12.2022 and would pay her full salary from 03.10.2022, onwards.
- iv) The disciplinary proceedings be resolved and dropped.
- v) In case, at any time in future, if the employee desires to seek

leave, or is compelled to remain absent due to unavoidable circumstances, it is expected that she tenders the leave application to the management either through her husband or through any relatives or any colleague teacher and the management, in such circumstances, would receive the application and pass appropriate orders.

6. The learned advocates having consulted their respective clients, submit that the above suggestions, that have been proposed by this Court, are acceptable to both the sides and they would act accordingly. The said statements are recorded.

7. The learned A.G.P. submits that the dispute between the management has led to this litigation and the State exchequer should not bear the burden of such payment. We would not accept this submission for the reason that respondent No.1 is an approved teacher. She has the legal right to receive the suspension allowance. The suspension allowance, which is to be paid to her, as quantified by us, is 40% less than her gross salary which reduces the burden on the State exchequer. So also, out of 7 months unpaid salary, we are directing to pay for 4 months, which further reduces the burden of the State exchequer. Hence, we would not agree with the submission of the learned A.G.P.

8. We, therefore, expect that the management would make

necessary payment in so far as the suspension allowance is concerned by immediately preparing the bills for payment of the above stated amounts and forward the same to respondent No.2. Since the employee is an approved teacher and for the above mentioned periods, the salary/suspension allowance has not been drawn, that we direct respondent No.2 to clear the bills submitted by the management in the proposal, as stated above, and clear the bills within 15 days and ensure that the payment is deposited in the salary bank account of the employee, respondent No.1 herein.

9. The petition is disposed off with the above settlement.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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