

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4181 OF 2018

Rehana Parvin Miyalal Momin and anr. ... Petitioners

V/s.

The State of Maharashtra and ors. ... Respondents

Mr.S.S. Kanetkar, for the Petitioners.

Mrs.S.S.Bhende, AGP for Respondent Nos.1, 2 and 3-State.

**CORAM : SUNIL B.SHUKRE, AND
AMIT BORKAR, JJ.**

DATE : 25th FEBRUARY 2022.

P.C.:-

1. Heard learned counsel for the petitioners and learned AGP for respondent Nos.1,2 and 3. Nobody appears for the remaining respondents.

2. This court on 14th January, 2022 had given by way of indulgence further time to respondent No.6 to file its reply and had also warned that if no appearance was filed and no cause was shown as to why respondent No.6 should not be directed to pay the amount considering the fact that respondent No. 6 was primary employer, the court may proceed to pass order accordingly. However, there is no response whatsoever from respondent No.6.

3. The grievance of the petitioners is that they have been transferred and re-transferred between respondent Nos.5 and 6 schools, but they have not been paid any salary during the period when such transfer and re-transfer had taken place.

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4. The petitioners have therefore sought a direction to the respondent Nos.5 and 6 to forward the proposal of the salary of both the petitioners from 13th June, 2016 to 21st July, 2017 and sought further direction to respondent Nos.1 to 4 to accept the proposal and release the salary of the petitioners for the said period.

5. Considering the fact that there is no reply filed whatsoever from respondent Nos.5 and 6 it is clear that respondent Nos.5 and 6 admit the contentions raised by the petitioners and it would mean that the directions are sought for by the petitioners would have to be issued by this court alongwith this petition.

6. The petition is therefore, allowed.

7. Respondent Nos.5 and 6 are directed to prepare the proposal for payment of salary of both the petitioners from the period from 13th June, 2016 till 21st July, 2017 and send the same to respondent No.4 whereupon respondent No.4 shall take necessary steps to see that the proposals are accepted and the salary with arrears are released to both the petitioners within a reasonable period of time. We also direct that entire process of sending of the proposals and payment of salary shall be completed within a period of four months from the date of the order.

8. Petition is disposed of in above terms.

(AMIT BORKAR, J.)

(SUNIL B.SHUKRE, J.)

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