

JPP

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

***WRIT PETITION NO. 3362 OF 2020
with
INTERIM APPLICATION (ST.) NO. 95138 OF 2020***

Vitthal Gopal Dalvi and Ors.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Narendra V. Bandiwadekar i/b. Ashwini N. Bandiwadekar for
the Petitioner

Mr. N.C. Walimbe, AGP for the Respondents 1 to 4 and 6

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 13 APRIL 2022

P.C. :-

Heard the learned Counsel for the parties.

2. Rule. Rule made returnable forthwith. Taken up for
final disposal by consent of the learned Counsel for the parties.

3. Although, the Respondent No.6 in his reply has taken an
objection to the claim of the Petitioners to the entitlement of the

Petitioners to receive salary, we find that the objection is without any basis for the reason that the Petitioners have been absorbed in Respondent No.5 – School in pursuance of the order of absorption issued by the Respondent No.3 and that this order of absorption is very much in force even today and has not been withdrawn by the Respondent No.3. Then, there is also a finding recorded by the State Government in its communication dated 22 June 2018 to the effect that these Petitioners have been absorbed as per the order issued by the Education Officer (Secondary), Sindhudurg, on 26 October 2015 and that they have also been allotted Shalarth ID. The State Government, with such finding recorded in the said communication has directed the Respondent No.3 to take necessary steps for release of the admissible arrears of salary and payment of regular salary to the Petitioners.

4. With such facts as aforestated and which have been found to be established on record, there is no reason for the Respondent Nos.3 and 6 to not allow payment of regular salary to the Petitioners and to not allow the admissible arrears of salary to the Petitioners. The Petition, therefore, deserves to be allowed. The Petition is allowed in terms of prayer clauses (b) and (c) and the Respondent Nos. 3 and 6 are directed to release the grants for payment of salary to the Petitioners on regular basis with effect from 26 October 2015 till date, except for the period from 1 March 2018 to 31 March 2019, so that the admissible arrears of salary and

regular salary can be released and paid to the Petitioners within a period of four weeks from the date of receipt of copy of the order.

5, Rule is made absolute in the above terms. No costs.

6. Parties to act on the authenticated copy of the order.

7. Interim Application is disposed of.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.

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PRAKASH
PAWAR

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