

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

CIVIL APPLICATION (W) NO.1302/2022 IN
WRIT PETITION NO. 7854 OF 2017

Bandu Rajaram Kubade and others.

Vs.

Union of India, through its Ministry of Human Resources Development, Government of
India, through its Chief Secretary, New Delhi and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S.Qazi, Advocate with Shri Mohd. Ateeque, Advocate for applicants/
petitioners.

Shri D.P. Thakre, Additional Government Pleader for non-applicants/respondent
nos. 2 to 9.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- SEPTEMBER 14, 2022

By this application, the applicants pray that the non-applicant no.2 be directed to pay an amount of Rs.75,000/- per month on *ad hoc* basis to each petitioner except petitioner nos. 2, 12, 35, 36 and 40. In this regard, reliance is placed on the interim order dated 28.04.2022 passed by the Division Bench of this Court in Writ Petition No.3696 of 2018 (*Mrs. Chitra w/o Jagdish Mehar and others vs. Union of India and ors.*) with connected writ petitions.

This Court on 21.06.2022 after noting the aforesaid interim order dated 28.04.2022, directed the learned Assistant Government Pleader to examine the prayers made in the civil application and make a statement on instructions as regards the entitlement of the applicants/petitioners.

Today, the learned Additional Government Pleader appearing for the non-applicant nos. 2 to 9 submits that the instructions in the said matter are awaited. He however submits that request for clubbing of various matters wherein identical relief

has been sought has been made and a further request for hearing of the matters at Aurangabad Bench is being pursued.

Perusal of the interim order dated 28.04.2022 indicates that this Court has noticed that similarly situated petitioners were not being paid any amount whatsoever despite discharging duties. Hence by way of an *ad hoc* arrangement it was directed that an amount of Rs.75,000/- per month be paid to the petitioners therein. Thereafter on 01.06.2022 the School Education and Sports Department of the State of Maharashtra has issued a Circular in compliance with the said interim order.

On perusing the prayers made in the writ petition, we find that the present petitioners are similarly situated as the petitioners in the aforesaid writ petitions where the interim orders were passed.

In that view of the matter, for reasons recorded in the interim order dated 28.04.2022 in Writ Petition No.3696 of 2018, we are inclined to pass a similar order in this civil application. The same would be in terms of paragraph 16 of the said order. The applicants are entitled for similar interim relief as has been granted in the aforesaid writ petitions commencing from 01.09.2022. The directions in paragraph 16 of the order dated 28.04.2022 in Writ Petition No.3696 of 2018 are made applicable to the applicants with the aforesaid modification.

Accordingly it is directed as under:

(i) The respondent no.2 -State of Maharashtra will forthwith pay to each of the petitioners Rs.75,000/- (Rs. Seventy Five thousand) per month as an *ad hoc* payment subject to further orders, adjustment, etc. commencing from 1st September, 2022 on every 15th day of the month till further orders. The amount shall be credited directly in the accounts of the petitioners. For the month of September, 2022 the payment shall be made by 03.10.2022.

(ii) We place the responsibility of ensuring compliance of this order on Mr. Ranjit Singh Deol, as the Secretary, School Education and Sports Department, Mantralaya, Mumbai.

(iii) If the incumbent Secretary is changed, the respondent-State Government will file an affidavit placing the name of the Secretary on record, who would then be responsible for ensuring compliance.

(iv) Registry of this Court and Office of Government Pleader will ensure that this order is placed before Mr. Ranjit Singh Deol, the Secretary of the School Education and Sports Department, personally and his acknowledgment is obtained on the notice to be returned to the Court and kept in the file of this cases.

(v) We trust that Mr. Deol, the Secretary and his successor, if any, as Secretary of the School Education and Sports Department will ensure compliance with this order so as to avoid any action in contempt jurisdiction of this Court.

The civil application is disposed of with aforesaid directions.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..