

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

WRIT PETITION NO. 6633/2019

(RAVI SHYAM HIWARKHEDE **VERSUS** LATE SANJAY RATHOD EDUCATION SOCIETY & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Patil, counsel for the petitioner.
Ms N.P. Mehta, A.G.P for the R-3 & 4.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : FEBRUARY 28, 2022.

By this writ petition, the petitioner seeks a direction with regard to payment of arrears of salary from the date of his termination which is 01.10.2015 till his reinstatement. A further prayer is made for a direction to pay regular salary to him.

The petitioner who was working as an Assistant Teacher at the respondent nos.1 and 2 was served with an order of termination dated 01.10.2015. The petitioner filed an appeal before the School Tribunal and by the judgment dated 22.02.2019 that appeal was allowed and the order of termination was set aside. Liberty was however granted to the respondent no.1-Management to start a fresh enquiry from the stage the same was found to be illegally conducted. The question of back wages from the date of termination till the date of reinstatement was to be decided by the Management depending upon the outcome of the enquiry proceedings. It was however stated that if there was a failure to initiate the enquiry within a period of two months from the date of the order, the Management would pay the entire arrears of salary.

It is the case of the petitioner that though the services of the petitioner were reinstated on 23.03.2019, his name was not included in the salary bills. This was despite the fact that the petitioner was participating in the fresh enquiry from 19.04.2019. The petitioner has thus approached this Court by filing the present writ petition seeking arrears of salary.

In the reply filed by the respondent no.4-Education Officer (Secondary) it has been stated that pursuant to the proposal submitted by the Management for paying the arrears of salary the same was examined and by the communication dated 09.02.2022 the Deputy Director of Education, Amravati has held the petitioner entitled for an amount of Rs.11,69,044/- towards unpaid salary. The same is for the period from March-2019 to October-2020. The proposal in that regard had been forwarded to the Superintendent of Pay Unit and the said Pay Unit has then forwarded the proposal to the Director of Education for sanction on 15.02.2020. It is also stated that all steps are being taken to make the aforesaid payment to the petitioner.

We find that in view of the statements made in paragraph 4 of the affidavit filed by the respondent no.4 the grievance of the petitioner with regard to arrears of salary from March-2019 to October-2020 stands resolved. We accept the statements made in paragraph 4 and direct the Authority to release the arrears of salary mentioned hereinabove expeditiously.

It is submitted by the learned counsel for the petitioner that on 15.09.2020 the petitioner's services have been again terminated after holding an enquiry. The petitioner seeks to raise a grievance in that regard.

Since the services of the petitioner have been terminated and as the petitioner has already filed an appeal before the Tribunal, all grievances in that regard can be raised in that appeal. It is therefore not necessary to keep the present proceedings pending. The writ petition is disposed of in view of statements made in paragraph 4 of the affidavit.

Order accordingly. No costs.

(SMT. M.S. JAWALKAR, J.)

(A. S. CHANDURKAR, J.)

APTE