

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

WRIT PETITION NO. 6972 of 2019

Kaldar Vasanta Humane
versus

The State of Maharashtra, through its Secretary, Tribal Department Mumbai and others.

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

Court's or Judge's Order

Ms Deepali V. Sapkal, Advocate for petitioner. in
Shri D. P. Thakre, Additional Government Pleader for respondent nos. 1 to 5.
Shri P.B.Ganarkar, Advocate h/f Shri Raju Kadu, Advocate for respondent no.6.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE :- SEPTEMBER 30, 2022

P.C.

Heard.

The petitioner is serving as a Secondary School Teacher at Ashram School which is duly recognised by the respondent nos. 1 to 5. Initially, she was appointed as Shikshan Sevak by order dated 13.07.2009. Her appointment was duly approved by an order dated 21.01.2013 for the period from 13.07.2009 to 12.07.2012. It appears that the Ashram School where the petitioner was serving came to be de-recognised as a result of which the services of the petitioner were required to be absorbed in another Ashram School. After taking steps in that regard, by the order dated 20.05.2014 the Project Officer directed absorption of the petitioner's services at the Ashram School, Bothali (Gond), Taluka Umred. This order was passed with regard to three employees including one Ku. P. S. Lanjewar and the petitioner. On 04.04.2019 while approving the services of the petitioner from 13.07.2012 she has been denied salary from that date till 05.08.2018. Being aggrieved, the

petitioner has challenged the said order dated 04.04.2019 to the extent it denies salary of the petitioner.

The learned counsel for the petitioner has invited attention to the order passed by this Court in Writ Petition No.3705 of 2016 (*Ms.Pratibha S.Lanjewar vs. The Commissioner, Department of Tribal development and ors.*) decided on 29.01.2018 wherein the similarly situated employee – Ku. Pratibha Lanjewar was also denied salary while approving her appointment. This Court directed the Commissioner, Tribal Development Department to consider the matter by permitting the petitioner to make a representation and then pass an order. It is submitted that on 22.03.2018 the Commissioner has passed an order and has directed grant of salary to the said employee. We find that the case of the petitioner is similarly situated to that of Ku. Pratibha Lanjewar inasmuch as the order of absorption dated 20.05.2014 was passed in her case too.

In that view of the matter we are inclined to follow similar course that was followed in Writ Petition No. 3705/2016. Accordingly, the following order is passed:

- (i) The petitioner is permitted to make a representation to the respondent no.2-The Commissioner, Tribal Development Department, seeking grant of salary for the period from 13.07.2012 to 05.08.2018 within a period of four weeks from today. After receiving such representation, the respondent no.2 shall consider the same in the light of the earlier order passed by it.
- (ii) To facilitate consideration of the representation, the petitioner shall appear before the respondent no.2 on 10.10.2022. The respondent no.2 shall within a period of six weeks from that date consider the entire matter including the earlier order dated 22.03.2018 and take a decision on the same. Decision taken thereon be communicated to the petitioner.

(iv) The Writ Petition stands disposed of with aforesaid directions. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..