

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

WRIT PETITION NO. 7049 OF 2019

Shushma Pundlikrao Lonkar,
 Aged 50 years,
 Occupation-Service,
 R/o. Bothli Gond, Post-Thana Padari,
 Tah. Umred, Distt. Nagpur.

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Petitioner

.. Versus ..

1. Additional Commissioner,
 Tribal Development Department,
 Office at Adiwasi Vikas Bhavan,
 Giripeth, Amravati Road, Nagpur.
2. Project Officer,
 Tribal Development Department,
 Gadchiroli, R/o. Ekatmik Adiwasi
 Vikas Prkalpa, Gadchiroli,
 Having office at Collectorate Office
 premises, Gadchiroli,
 District-Gadchiroli.
3. Maa Saheb Anudanik Ashram Shala,
 Kotra, Tah. Korchi, Distt. Gadchiroli
 Through its Officiating Headmaster.
4. Swargiya Meenatai Thakre Shikshan
 Sanstha, Armori, District-Gadchiroli,
 Through its President Shri Gangadhar
 V. Nakade,
having office at : Prathmesh
 Apartment, M-1, Khankhoje Nagar,
 Manewada Road, Nagpur-440024.

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Respondents

Shri U.J. Deshpande, Advocate for the petitioner,
Shri Neeraj Patil, A.G.P. for respondent nos.1 and 2/State,
Shri B.G. Kulkarni, Advocate for respondent nos.3 and 4.

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CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 29.03.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner has approached this Court seeking direction that the respondent nos.3 and 4 be directed to submit the salary bills of the petitioner for the period from September, 2018 to 19.11.2019 when the petitioner was serving at the Ashram School at Kotra. According to the petitioner, despite discharging duties on the post of Headmistress, she was not paid her regular salary for the aforesaid period.

3. In the reply filed on behalf of the respondent nos.1 and 2/State, reference is made to an order dated 14.01.2020 that has been passed by the Project Officer, Integrated Tribal Project Department, Gadchiroli. As per that order, the respondent nos.3 and 4 have been directed to forward the petitioner's pay bills for necessary action. It has been noted in the said order that such direction issued earlier has not been complied with.

4. Shri B.G. Kulkarni, the learned counsel for the respondent nos.3 and 4 seeks to rely upon the order dated 20.12.2018 passed by the same

authority which held that since the petitioner was absent from duty during the relevant period, her leave be sanctioned as leave without pay. He therefore submits that the pay bill was not forwarded to the Project Officer.

5. It is seen that after the order dated 20.12.2018, the Project Officer has passed another order dated 14.01.2020 which order is pursuant to the representation made by the petitioner. We find that the respondent nos.3 and 4 having not challenged that order, they would be required to comply with the same.

6. In view of aforesaid, the writ petition is disposed of by directing the respondent nos.3 and 4 to forward the pay bill of the petitioner in terms of the order dated 14.01.2020 to the Project Officer. The same be done within a period of four weeks from today. The Project Officer shall thereafter examine the said pay bill and release the amount of salary for the aforesaid period, if there is no other legal impediment to do so. Such action be taken within further period of four weeks from the receipt of the pay bill from the respondent nos.3 and 4.

7. Rule is made absolute in aforesaid terms. No costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

Gulande