

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

WRIT PETITION NO. 7071 OF 2019

(Mohammad Basid Mohammad Shafi Vs. State of Maharashtra & Ors.)

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

Court's or Judge's order

Shri P.A. Gode, Advocate for the petitioner.
Ms. T.H. Khan, Assistant Government Pleader for respondent Nos. 1 and 2/ State.
Shri H.A. Deshpande, Advocate for respondent Nos. 3 and 4.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : OCTOBER 12, 2022.

The learned Counsel for the petitioner at the outset submits that insofar as the relief sought vide prayer Clause (A) is concerned, the same has been received by the petitioner and there is no grievance in that regard. He however submits that the petitioner has not received salary for the period from December-2018 to April-2019. In the reply filed on behalf of respondent Nos. 3 and 4, it has been stated that the petitioner's salary for the months from December-2018 to February-2019 has been paid to him. Insofar as the salary for the month of March is concerned, it is stated that the petitioner had worked only for two days and that thereafter he was continuously absent till the date of his retirement. To substantiate the same, the extract of the attendance register is also placed on record.

We find that there is a dispute with regard to the entitlement of the petitioner to salary from 2/3/2019 to 16/4/2019. On the one hand, the petitioner urges that he has worked during that period while according to respondent Nos. 3 and 4, the petitioner was absent as per the attendance register.

In that view of the matter, it would not be possible to resolve this aspect in writ jurisdiction. The petitioner is free to invoke appropriate jurisdiction to seek redressal of his aforesaid grievance.

With these observations, the Writ Petition is disposed of.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)