

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

923 CIVIL APPLICATION NO.5645 OF 2022
IN WP/6815/2019 WITH WP/6815/2019

BALAJI MADHAVRAO KANOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. V. S. Panpatte.
AGP for Respondent Nos.1 & 2 : Mr. S. G. Sangle.
Advocate for Respondent Nos.3, 6 to 8 : Ms. Yogita Thorat.
Advocate for Respondent No.4 : Mr. R. K. Ingole.
Advocate for Respondent No.5 : Mr. V. P. Golewar.

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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th February, 2023.

P.C.:

1. We have considered the submissions of the learned advocates for the respective sides. The respondents oppose this application.
2. The applicant/petitioner has claimed that the arrears of salary are Rs.37,49,019/- as per the 6th and 7th Pay Commissions Recommendations. The amount deposited in this Court is Rs.13,97,045/-.
3. We are informed by the respondents that the amount that is deposited in this Court, is after calculating the work and the duties performed by the petitioner.

4. Considering that the amount deposited is towards the salary of the petitioner and keeping in view the cause of action raised in this petition, this application is partly allowed with the following directions:-

- A) The amount deposited in this Court can be withdrawn by the petitioner/applicant under due identification by the learned advocate.
- B) An affidavit undertaking be filed by the petitioner that, if it is finally concluded that the petitioner is not entitled for the said salary, he would re-deposit the amount in this Court within 12 weeks from the date of such order.
- C) A copy of the Adhar card and Pan card of the petitioner shall be placed on record alongwith the application for withdrawal, as well as the proof of the present address of the applicant/petitioner.
- D) Needless to state, if the petitioner is performing his duties on day to day basis, the Education Officer would calculate the monthly scale of salary that is to be paid to him and issue appropriate orders.

E) In so far as the dispute with regard to the exact quantum of the amount payable and the amount deposited, this would be considered while deciding the writ petition.

F) List the writ petition on 15th March, 2023.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]