

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13456 OF 2018

1. Vinnus Daulat Shaikh
Age-56 yrs.
R/o. -LG-2, Guruvihar Residency,
66 Shukrawar Peth, Satara.
PIN-415002.
2. Mrs. Manjusha Sudhir Bhat
Age-49 yrs.
R/o. -Prathmesh Residency Flat No.4
891 Shaniwar Peth, Satara
PIN-415002
3. Ramchandra Yashwant Devare
Age-51 yrs
R/o.-At KusBudruk Post Banghar
Tal. Dist.Satara PIN-415013
4. Chandrakant Dhondiba Kharat
Age-52 yrs
R/o. -At Post Mhigaon Tal. Jawali
Dist. Satara PIN-415020.
5. Arif Nazir Patel
Age-51 yrs
R/o. -At Nele Post Kidgaon
Tal. Dist. Satara PIN-415015
6. Babar Rajendra Dattatray
Age-40 yrs
R/o.-At Post Udtare Khadaki Road
Ta. Wai Dist. Satara PIN-415513
7. Anandrao Atmaram Jadhav
Age-58 yrs

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R/o. Radha Govind Plaza
Flat No. 3 Opp. SGN College
Vidyanagar Saidapur
Tal. Karad Dist. Satara
PIN-415124

8. Sitaram Mahadeo Chavan
Age-53 Yrs
R/o. At Post Thoseghar
Tal. Dist. Satara
9. Namdeo Narayn Nawadkar
Age-42 yrs
R/o. -At Post Songaon Turf
Tal. Dist. Satara
10. Mukund Vijay Kulkarni
Age-53 yrs
R/o. 930, Shanivar Peth, Vrunda Govind Smruti,
Flat No.3, Tal. & Dist. Satara

... Petitioners

Versus

1. The State of Maharashtra
Through the Secretary,
Higher Technical Education and
Employment Department,
Mantralaya, Mumbai 400 032.
2. The Director of Technical Education,
3 Mahapalika Marg,
Mumbai-400 001.
3. All India Council for Technical
Education (A.I.C.T.E),
Through the Member Secretary,
Represented by the Regional
Officer A.I.C.T.E. (Western Region),
India Assurance Building,

Second Floor, Opp. Churchgate Station,
Mumbai-400 020.

4. Maharashtra State Board of Technical Education,
Through its Director,
49, Kherwadi, Ali Awar Jung Marg,
Bandra (East), Mumbai-400 051.
 5. Joint Director of Technical Education
(Pune Region) 412, E, Shivaji Nagar
Bahirat Patil Chowk, Pune
PIN-411016.
 6. Satara Education Society
Through its Chairman,
C/O. Anant English School
148, Mangalwar Peth, Satara
PIN-415002.
 7. Satara Education Society
Through its Secretary
C/O. Anant English School
148, Mangalwar Peth, Satara
PIN-415002
 8. The Principal,
Satara Polytechnic, Satara
A. P. Songaon, Khindwadi
Near N. H. 4 Highway, Satara
- ... Respondents

Mr. Suresh Pakale a/w. Mr. Nilesh Desai i/b. Mr. S. M. Katkar for Petitioners.
Mr. S. L. Babar, AGP for Respondent-State.
Mr. Aditya A. Joshi h/f. Abhijeet A. Joshi for Respondent Respondent No.3.
Mr. Rajshekhar V. Govilkar, Sr. Advocate i/b. Mr. Mihir Govilkar for
Respondent No.4.

CORAM : A. S. CHANDURKAR &
FIRDOSH P POONIWALLA, JJ.
DATE : 5th DECEMBER 2023

Oral Judgement (Per A. S. Chandurkar J.):-

1. Rule. Rule made returnable forth. Heard the learned Counsel for the parties.
2. Despite service Respondent Nos.6 to 8 have not chosen to contest the prayers made in the Writ Petition. The Petitioners are members of the non-teaching staff engaged at the Respondent No.8- College that is run by Respondent Nos.6 and 7-Society. The Petitioners seek arrears of salary of the period from October 2017 to January 2019 as per recommendations of the 5th and 6th Pay Commission. Our Attention is invited to the judgment dated 16.08.2018 in Writ Petition No.8493 of 2004 in the matter of ***Shri. Salunkhe Jayawant Vishnu & Ors. Vs. The State of Maharashtra & Ors.*** wherein, similar relief was sought by the members of the teaching and other non-teaching staff engaged by Respondent Nos.6 to 8. This Court directed payment of salary as well as revised pay scale to the said Petitioners.
3. The averments made by the Petitioners of not being paid their salaries from October 2017 to January 2019 as per recommendations of the 5th and 6th Pay Commission have gone uncontroverted. Since it is the primary responsibility of Respondent Nos.6 to 8 to make such payment, the Writ Petition is disposed of by directing the said Respondents to pay the Petitioners their arrears of salary for the period from October 2017 to

January 2019 as per the applicable pay scale within a period of three months of receiving copy of this order. On failure to make such payment on the expiry of period of three months, the amount due would carry interest at the rate of 6% per annum from the date of this order till actual payment. The Petitioners would be entitled to the benefit of the judgment of this Court in the matter of ***Shri. Salunkhe Jayawant Vishnu & Ors. (supra)*** while receiving payment in accordance with appropriate pay scale as per the recommendations of the 5th and 6th Pay Commission from their initial date of appointment till superannuation.

4. Rule is disposed of in the aforesaid terms with no orders as to costs.

(FIRDOSH P. POONIWALLA, J.)

(A. S. CHANDURKAR, J.)