

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

Writ Petition No.5918 of 2022

Anil Madhukarrao Kale vs. State of Maharashtra & others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.J. Shinde, Advocate for the Petitioner.
Mrs. Kalyani Deshpande, A.G.P. for Respondents 1 to 3.

CORAM : ROHIT B. DEO AND Y.G. KHOBRADE, JJ.

DATE : 10th JANUARY, 2023.

We note that the claim of the petitioner pertains to 1999 to 2005.

02] The claim is now being agitated after 17 years and there is not even a whisper in entire petition explaining the delay.

03] Learned Counsel Mr. Shinde for the petitioner would submit that in October, 2005, a decision was taken by the State Government to disburse 100% grant for the post of Music Teacher. We note from the communication on which reliance is placed that the decision was subject to certain conditions. It would be difficult for us today to verify and record any finding, whether the conditions were complied with.

04] The other aspect of the matter is that if the petitioner was a full time employee, he could have claimed the salary in accordance with pay-scale prescribed from the management. Grant is essentially a matter between the

management and the Government and the right of the employee as such is not affected. The management is nonetheless obligated to pay the employee the salary which is prescribed under the rules.

05] We, therefore, see no justification for the petitioner to wait for 17 years to claim the salary for the period 1999 to 2005. The petition is dismissed.

JUDGE

JUDGE

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