

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

WRIT PETITION NO.2891/2018

Pritilal Bhaiyalalji Pardhi

...Versus...

The Education Officer (Primary) Zilla Parishad, Bhandara and others

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

Court's or Judge's orders

Mr. P.A. Gode, Advocate for petitioner
Mr. H.N. Verma, Advocate for respondent no.1
Mr. A.C. Dharmadhikari, Advocate for respondent nos.2 and 3

**CORAM : AVINASH G. GHAROTE AND
M.W. CHANDWANI, JJ.**

DATE : 07/08/2023

1. Heard Mr. P.A. Gode, learned counsel for the petitioner; Mr. H.N. Verma, learned counsel for the respondent no.1 and Mr. A.C. Dharmadhikari, learned counsel for the respondent nos.2 and 3.

2. The petition questions the denial of salary to the petitioner for the duration 06/01/2015 to 26/07/2015 on the ground that though the petitioner had worked for the said duration, the same was not paid to him. The petition further seeks relief of fixation of the pay based upon the increments, which were due and payable to the petitioner for the duration 2013-2014 and 2014-2015.

3. It would be material to note that in earlier round of litigation, namely, Writ Petition No.2306/2015 decided on 07/12/2015, the petition was disposed of with a direction to the Education Officer (Primary) to release the salary of the petitioner for the period during which he had actually worked, which was a period upto January, 2015.

4. It is the finding of the Education Officer that for the duration 06/01/2015 to 26/07/2015, the petitioner has, in fact, not rendered any services at all. Though it is contended that this was on part of the Management not permitting the petitioner to join the institution, that is an issue between the petitioner and the Management and for this duration, the respondent no.1 cannot be asked to dole out the salary. The claim for this duration, therefore, is rejected, keeping it open for the petitioner to take appropriate steps in that regard against the Management.

5. It is not disputed that the petitioner has actually worked for the academic session 2013 -2014 and 2014 -2015, on account of which, the petitioner would be entitled to all increments due and payable and fixation of his pay in accordance therewith and also arrears of salary on account of fixation.

6. In that light of the matter, the Education Officer is directed to pass necessary orders regarding the grant of increments, fixation and arrears within a period of three weeks from the day on which the Management submits the documents

required for determining this, which shall be done by the Management within a period of two weeks from today. It is also made clear that the duration 06/01/2015 to 26/07/2015 would not be treated as a break in service for the purpose of determining the pension.

7. The writ petition is accordingly partly allowed.
No order as to costs.

(M.W. CHANDWANI, J.)

(AVINASH G. GHAROTE, J.)

Wadkar