



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 879 OF 2024
IN WP/10950/2023

NANASAHEB BALAJI SHELKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr. Rahul B. Temak Advocate for Applicant.
Mr. S.K. Shirse, A.G.P. for Resp. Nos. 1 to 3.
None present for Resp. No.4.

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 26th FEBRUARY, 2024

ORDER :

1. Present Application has been filed for following relief:-

"A) The Hon'ble High Court may kindly be pleased to direct to respondent authorities to release the salary of applicant from the period from 01 September 2023 to till today."

2. When the matter was on Board on 9th February 2024, a statement was made on behalf of the petitioner that Advocate for respondent No.4 has been served, however he was absent on that day. Therefore, the petitioner – applicant was directed to

intimate learned Advocate appearing for respondent No.4 informing about the next date. Learned Advocate for the petitioner submits that he has given the notice in writing to the learned Advocate for respondent No.4 in the morning session and still when it was found that the learned Advocate for respondent No.4 was absent, the matter was kept back. In the afternoon session also learned Advocate for respondent No.4 is absent.

3. The present applicant – petitioner has come with the aforesaid limited prayer. In the main Petition, the petitioner had challenged the order of his transfer. He is due to retire in the month of May of this year and according to him, as per the rules he ought not to have been transferred. The relevant rule says that the employee due to retire in next two years should not be transferred. This Court on 4th September 2023 passed an order that since petitioner is claiming that he is still at Pravaranagar and has not been relieved, *status-quo* as existing on that day, was to be maintained. However, thereafter it appears that on 15th September 2023 a statement was made before this Court on behalf of respondent No.4 that the petitioner was already relieved on 28th August 2023 and a new Headmaster has taken

charge on 29th August 2023. However, along with the Application, documents have been produced to show that the present applicant – petitioner is still working at Pravaranagar.

4. Now the petitioner says that he has not been paid salary from 1st September 2023 till today. When the petitioner – applicant is working, he should get salary and therefore respondent No.4 should take steps for the release of the salary of the petitioner. Such steps be taken within a period of FIFTEEN DAYS from today.

5. The Civil Application, therefore, stands disposed of on above terms.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE