



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

WRIT PETITION NO.8236 OF 2022

Mr Waman Mahadeorao Lonkar, Sai Nagar, Amravati

-VS-

State of Maharashtra, Thr. Secretary, Higher and Technical Education Dept. Mantralaya, Mumbai
and ors.

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

Court's or Judge's Orders.

Shri A. P. Raghute, Advocate for petitioner.
Shri S. M. Ghodeswar, Assistant Government Pleader for respondent Nos.1 and 2.
Shri Pritesh Atkar, Advocate h/f Sandhya Maniyar, Advocate for respondent No.3.
Shri R. K. Maheshwari, Advocate for respondent No.6.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : March 12, 2024

P. C.

1. Heard Shri A. P. Raghute, learned counsel for the petitioner. He has invited our attention to the order dated 20/01/2021 passed by the Grievance Committee of respondent No.3-University in Grievance Petition No.05/2018 whereby following directions were issued :

- (a) *The Non-Applicant Education Society is directed to pay the salary to the Applicant as per the pay-scale prescribed under 7th Pay Commission for the post of Principal from 01/03/2016 to 31/03/2019. The amount of arrears be settled as per rules and it be paid to the Applicant in five monthly instalments commencing from March, 2021 after adjusting the amount of salary, if any paid to him.*
- (b) *The Non-Applicant is also directed to take necessary steps for payment of contribution of Employees Provident Fund outstanding to the credit of the Applicant in his account for the period from 01/09/2008 to 31/03/2019, by remitting the amount and making necessary correspondence with the concern Authority. However, this amount be paid in lumpsum to the Applicant by the end of April, 2021.*
- (c) *The Applicant's claim for grant of gratuity and the interest on the arrears is, however, disallowed.*

(d) *The Applicant will not be entitled to get any salary or remuneration for the services rendered by him after 01/04/2019 till he handed over the charge of the post of Principal, since he ceased to be in service by the end of 31/03/2019.*

2. It is the case of the petitioner that neither the said directions of the Grievance Committee are implemented or complied with nor the salary is paid to the petitioner for the period from 01/03/2016 to 31/03/2019.

3. The petitioner has claimed that his services were duly approved by the University.

4. This Court initially directed notices on respondent Nos.4-Management and respondent No.5-College on 20/12/2022. Said notices were returned unserved and hence on 14/02/2024 fresh notices were issued to the said respondents. Even after second notice, none appears for respondent Nos.4 and 5.

5. Having considered the pleadings in the petition, its annexures, replies placed on record by respondent Nos.1 to 3 and 6 and in the backdrop of the observations of the Grievance Committee in its order dated 20/01/2021 referred above, we are convinced that the petitioner is entitled for the relief claimed in the petition. We are passing this order for the reason that respondent Nos.4 and 5 have chosen not to contravene the pleadings in the petition and as such same are deemed to be admitted.

6. That being so, the writ petition is allowed in terms of prayer clauses (i) to (iii).

7. The salary of the petitioner for the period from 01/03/2016 to

31/03/2019 with interest at the rate of 6% per annum shall be paid to him within a period of eight weeks from today.

8. The writ petition is disposed of with no order as to costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)