



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**915 CIVIL APPLICATION NO. 147 OF 2025
IN WP/855/2008**

BALAJI KALURAM MADNURE

VERSUS

DISHA KENDRA THROUGH ITS PRESIDENT PRADEEP BASAJI GAIKWAD
AND OTHERS

Mr. V.D. Gunale, Advocate for the applicant.

Ms. R.R. Tandale, AGP for the respondent-State.

Ms. Aummaheshwari S. Jadhav, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 09.09.2025

PC :-

01. Heard learned Advocates for the parties. The grievance raised in this application is that while admitting the writ petition, conditional stay was granted. The stay is granted only to the back wages as on the date. Further, it was specifically directed to continue to pay salary vide order dated 27.11.2008. The respondent – employee had filed an application bearing Civil Application No. 7416 of 2014, seeking regular salary with increments. This Court by way of order dated 20.02.2015, directed the petitioner to forward proposal of the applicant-employee along with his undertaking for regular increments and salary. The Education Officer was directed to decide the proposal as expeditiously as possible and preferably within a period of four weeks

from the date of order. Now, the grievance raised is that the management though sent proposal to the Education Officer, such proposal was sent only for a period of 2015 onwards. So far as for the period earlier to the date of order, no such proposal is forwarded. The applicant, therefore, moved the Education Officer. The Education Officer replied that if the proposal is received, that will be considered. Said stand is cleared by filing affidavit-in-reply in this application as well.

02. Learned Advocate Mr. Gunale submits that the stay was only to the back wages and not to any other benefits. The management has wrongly interpreted the order dated 20.02.2015 to be prospective. The applicant is in-fact entitled even for the period till 2015. He thus prays for direction to the petitioner to forward proposal for the difference amount of increments and senior pay scale with arrears from June 2004 onwards.

03. The learned Advocate for the respondent/original petitioner (management) submits that the order passed by this Court dated 27.11.2008 is very clear. Sending proposal for arrears would be against the spirit of the said order.

04. Learned AGP submits that if the proposal from the management is received, same will be considered by the Education Officer and prays for passing appropriate orders.

05. Heard learned Advocates for the parties. The order dated 27.11.2008 is very clear. Stay is granted only to the extent of back wages and on that condition the employee was reinstated. There is no dispute that the applicant is reinstated and is working in the school. Thereafter, an application was required to be filed by the applicant seeking difference of amount of increment and senior pay-scale. This Court finds substance in the prayer, therefore, allowed earlier Civil Application No. 7416 of 2014 vide order dated 20.02.2015. This order is taken to be prospective from the date of order. If the order is seen, this Court finds that the order needs to be taken from the date of judgment of the School Tribunal onwards.

06. Though the petitioner has paid the amount of difference of salary and increment from 2004, this Court finds that it would be against order dated 27.11.2008, wherein clearly stay is granted to the back wages. However, at the same time, it needs to be seen that after reinstatement, there is no question of not paying the increment or salary

as per pay scale. It is further clear from order dated 20.02.2015 that the applicant is entitled to receive increments and salary as per the pay-scale.

07. Considering above, this Court finds substance in the argument of learned Advocate Mr. Gunale.

08. The application is, therefore, partly allowed. The management to forward proposal of paying salary as per pay-scale and amount of difference of increment from the period of impugned judgment onwards till 2014-15. Said proposal be sent within four weeks from today. After the proposal is received by the Education Officer, he shall act upon the said proposal within four four weeks thereafter. While taking decision on the proposal, the Education Officer shall consider the rules and the undertaking given by the applicant pursuant to order dated 20.02.2015.

[KISHORE C. SANT, J.]