

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16594 OF 2024

Sindhu Shankar Kamble

@ Sindhu Bhagwantsinha Bhagwat

....Petitioner

versus

The State of Maharashtra & Ors.

....Respondents

Mr. Suhas S. Deokar a/w Mr. Atharv A. Gidaye, Advocate for the
Petitioner.

Mr. V.M. Mali, AGP for the Respondent Nos.1 to 4.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 24th APRIL, 2025

P.C. :-

1. The Petitioner is a lady Employee who belongs to the Scheduled Caste Category. She was appointed on 09.09.1996, as an Assistant Teacher. In 1999, she opted for Maternity Leave from 14.06.1999 to 14.09.1999. The Management denied Maternity Leave and terminated her service on 30.04.1999.

2. She approached the School Tribunal at Kolhapur in

Appeal No.127 of 1999. By judgment dated 29.12.2006, the Appeal was allowed. The Management has preferred Writ Petition No.1905 of 2007. In the hearing on 20.04.2007, the learned Single Judge granted stay to the impugned judgment on the condition of payment of 50% back wages and re-instatement of the Petitioner. Leave to withdraw was also granted. Since the order was not complied with, the Contempt Petition No.127 of 2009 has also been filed. The same was disposed off by order dated 04.12.2009 concluding that the interim stay has been vacated.

3. The Petitioner then approached the School Tribunal under Sections 11 and 13 of the MEPS Act, 1977 in a proceedings bearing No.4 of 2010. Hence, the Management re-instated the Petitioner on 07.03.2011 and transferred her by order dated 09.06.2012. Hence, the Petitioner desires that her unpaid salaries and appropriate pay in terms of the scales applicable, should be considered. She is also praying for benefits as per the 6th Pay and 7th Pay Commission recommendations.

4. In view of the above, we permit the Petitioner to prepare a ready reference chart of the unpaid amounts as per the pay commission recommendations and tender the same to Respondent

No.4. The same be considered by Respondent No.4 by conducting a proper scrutiny and by granting an opportunity of hearing to all the stakeholders. If the Management does not co-operate in such hearing, Respondent No.4 is at liberty to initiate appropriate action against the Management .

5. With the above liberty and observations, **this Petition is disposed off**. All contentions are kept open, including the claims for retiral benefits after the Petitioner superannuates.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)