



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

WRIT PETITION NO.4390/2019

Dilip Yashwant Tayde

Vs.

State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. A. D. Mohgaonkar, Advocate for Petitioner.
Mr. N. S. Rao, A.P.P. for Respondent Nos.1, 2 & 5/State.
Mr. K. V. Deshmukh, Advocate for Respondent Nos.3 and 4.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 19/03/2025.

. Heard.

2. Prayer Clauses 1, 2, 2A and 2B in the petition
read thus :

"1] Direct the Respondent Nos.1 to 4 to pay the salary of the petitioner from March, 2016 till 17th August, 2018 along with increments and other consequential benefits, which is withheld illegally by the management, as per the calculation sheet Annexure No.26.

2] Direct the respondents to pay interest at the rate of 9% per annum on the amount of unpaid salary due and payable to the Petitioner;

2A] Direct the Respondents to pay the Increments, due and payable on July, 2016, July, 2017, July, 2018 and July, 2020 and also direct the Respondents to pay the Salary as per the 7th Pay Commission on par with all other employees, including the unpaid arrears thereof, along with Interest.

2B] Direct the Respondent No.1 and 2 to take Action against the Respondents 3 and 4 for deliberate non compliance of the Orders issued by their Office, only with mala fide intentions to harass the Petitioner.”

3. In response to the above, it is brought on record by the respondent Management that the Assistant Director, Other Backward Class Welfare has informed the petitioner and the respondent Management that irrespective of the pendency of the petition, it has been decided to process the prayer for grant of terminal benefits and all the benefits admissible to the petitioner in accordance with law shall be processed. The said communication dated 21.09.2023 is produced on record by the respondent Management. The aforesaid communication is followed by the communication dated 31.07.2024 issued by the respondent Management to the Assistant Director.

4. The Assistant Government Pleader Mr. Rao appearing for the respondent Nos.1, 2 and 5 states that the issue is presently pending with the State Government.

5. Be that as it may, once the issue about the pay fixation and the release of the consequential benefits including that of the unpaid wages/salary for a period from March, 2016 till 17.08.2018 is under the consideration of the respondents authorities, we deem it appropriate to dispose of the petition with following order :

i] The respondent Management so also the Competent Authority i.e. respondent No.5 shall have

regard to the claim put forth by the petitioner at Annexure – 26 of the petition which is informed to be endorsed by the respondent Management as regards pay fixation. Accordingly, the pay fixation and the claim for the benefit be considered and decided, if so require, after hearing the petitioner.

ii] The decision accordingly be communicated to the petitioner and in case, if it is held that the petitioner is entitled for the benefit, the same shall carry interest at the rate of 6% p.a. from the date, the same was due and payable to the petitioner. Let the decision be communicated to the petitioner by respondent Nos.1 and 5 within a period of twelve weeks from today.

6. The aforesaid order is passed keeping in view the communication issued by the respondent Assistant Commissioner, which is produced by the Management on record at page 181 bearing date 21.09.2023.

7. The petition accordingly stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)