



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

**903 CIVIL APPLICATION NO. 12379 OF 2024
IN WP/5790/2023**

**PRASANNA BHALCHANDRA VAIDYA
VERSUS
PRESIDENT**

**WITH CIVIL APPLICATION NO. 11296 OF 2023 IN
WP/5790/2023 WITH WRIT PETITION NO. 5790 OF 2023**

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Advocate for Applicant/s : Mr. Prasad Bhalchandra Vaidya.

AGP for Respondent/s-State : Mr. N. D. Raje.

Advocate for Petitioner in WP : Mr. S. V. Dixit.

Advocate for Respondent No.2 in WP : Mr. S. S. Agrawal.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18.03.2026

PER COURT :-

1. Heard both sides.
2. In pursuance of the earlier order, learned AGP has tendered on record a communication dated 18.03.2026 addressed by Joint Director to the respondent/Principal, clarifying that applicant/employee is not entitled to any relief from August 2015 to 2022 from the public exchequer.
3. Applicant was terminated on 06.04.2022. He had preferred appeal. It was allowed on 15.11.2022. He was

reinstated on 16.11.2022. He is working as Office Superintendent and getting salary after reinstatement as per recommendations of 6th pay commission.

4. This Court granted stay vide order dated 09.06.2023 to payment of back wages i.e. from 06.04.2022 to 16.11.2022 for the period of seven (7) months and above. I find that no case is made out for vacating interim relief. The writ petition itself can be decided finally at the admission stage. Till then, interim relief needs to be continued.

5. The prayers in respect of Civil Application No.11296 of 2023 pertain to unpaid salary, extending of benefit of recommendation of 7th pay and back wages from April 2022 to October 2022. Civil Application No.12379 of 2024 pertains to vacating of interim relief, extending the benefit of 7th pay recommendation and action for contempt against erring respondents.

6. I have already clarified that no case is made out for vacating interim relief. The prayers for unpaid salary and the benefit of recommendation of 7th pay would not fall within the

realm of this Court. Applicant has independent, alternate and efficacious remedy to ventilate these grievances. It would be open for him to approach appropriate forum including the claim for recommendations of 7th pay commission. The claim for back wages cannot be dealt with because interim stay is operating in the matter. I am not inclined to grant any relief for action of contempt of Court. I find no merit in both civil applications.

7. This Court cannot ignore the approach of the Joint Director which is surfaced by communication dated 18.03.2026 addressed to the Principal. Applicant is already receiving the salary as per recommendation of 6th pay commission. He is claiming benefit of recommendations of 7th pay commission which needs to be dealt with independently and the pendency of the writ petition and interim relief granted by this Court would not be impediment. The orders cited in the communication in the context of decision of Appeal No.BAMU-12 of 2016 are thoroughly misconceived. It would be suffice to say that if the Joint Director comes across proposal either for unpaid salary or for benefit of

recommendations of 7th pay commission it shall be dealt with independently.

8. Considering the approval given for extending benefit of 7th pay commission to the applicant it would be open for the applicant and the management to claim arrears of salary payable after the reinstatement. As the applicant is working on an aided post, the arrears will have to be borne from the public exchequer itself.

9. Both Civil applications are disposed of with a liberty to the applicant as well as management to claim benefit of recommendations of 7th pay commission payable after reinstatement.

(SHAILESH P. BRAHME, J.)

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vmk/-