
(2017) 03 BOM CK 0132
In the Bombay High Court
Case No : 664 of 2015

Vikas Shikshan Sanshtha, Goregaon, & Anr.	APPELLANT
Vs	
The State of Maharashtra, Through its Secretary, Department of Tribal Development, Mantralaya, & Ors.	RESPONDENT

Date of Decision : 29-03-2017

Acts Referred:

Citation : (2017) 03 BOM CK 0132

Hon'ble Judges : R. K. Deshpande

Bench : SINGLE BENCH

Advocate : P.B.Patil, K.L.Dharmadhikari, I.N.Choudhari

Final Decision : Allowed

Judgement

1. Notice for final disposal of the matter was issued . The respondents have filed reply. Rule made returnable forthwith.

Heard the matter finally by consent of learned counsels appearing for the parties.

2. Undisputedly, for the period from 28.09.1998 to 31.04.1999, two teachers, viz. Shri Badwaik and Shri Kokude were working on the same post which was admissible for salary grant by the State Government. The salary of one of such teachers namely Shri Badwaik was paid by the management for the period from 22.06.1999 to 30.11.2005, amounting to Rs.11,19,119/from its own account and not from the grant in aid.

3. By order dated 03.06.2014, the Additional Commissioner, Tribal Development Department, Nagpur, has directed the petitioners to pay the salary of another teacher Shri Kokude for the period from 28.09.2002 to 16.12.2005. The grant in aid facility is refused by the respondents and therefore, this petition challenges the order dated 03.06.2014 passed by the Additional Commissioner, Tribal Development Department, Nagpur.

4. Undisputedly, the approval to the appointment of Shri Kokude was granted on

21.04.2008 for the period from 28.09.2002 to 16.12.2005. In view of this, there was no reason for the respondents not to extend the grant in aid facility for reimbursement of salary of Shri Kokude for the said period. The entitlement of the petitioners to grant in aid is not in dispute. It is not the case where the salary of two employees for one post is being released from the State exchequer.

5. In the result, the writ petition is allowed. The order dated 03.06.2014 passed by the Additional Commissioner, Tribal Development Department, Nagpur, is hereby quashed and set aside. The respondent No.3 is directed to release the salary of the respondent No.4 for the period from 28.09.2002 to 16.12.2005, within a period of one month from the date of completion of all other requirements. Rule is made absolute in above terms. No orders as to costs.