

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No. 15563 of 2023

Dinesh Shantilal Patil & anr. ... Petitioner.
V/s.
The State of Maharashtra & Ors. ... Respondents.

Mr. Pritesh K. Bohade for the Petitioner.

Mr. S.B. Kalel, AGP for Respondent No.1.

Mr. Ashish S. Gaikwad a/w. Anirudh R. Rote for Respondent Nos. 2
& 3.

**CORAM :NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 12 June 2024.

P.C. :

The main grievance of Petitioner is non-payment of the salary as per the applicable Rules. We are informed that during the pendency of the Petition, Petitioner No.1 has been terminated from service. The Petitioner No.1 will have to take appropriate steps in that regard.

2. As regards the non-payment of salary to Petitioner no.2 is concerned, as on today Petitioner No.2 is working with the Respondent-Management. The Respondent-Management, being the employer of Petitioner no.2, is under obligation to pay the salary

applicable under the governing Rules to Petitioner No.2. Learned Counsel for the Respondent-Management has sought to place before us certain procedural difficulties. It is not for this Court to enter into same. As a primary employer, the Respondent-Management will have to work out the modalities to make payment of its employees i.e. Petitioner no.2 either from the grant received or through its own funds as the responsibility continues on the Respondent-Management. The learned counsel for the Respondent-Management also sought to contend that Petitioner No.2 has refused to accept the salary. We find it difficult to believe as the Petition is presented for recovery of salary. If the Respondent-Management offers the salary due to the Petitioner, the counsel for the Petitioner states that he will accept the same.

2. Let the necessary compliance be made by Respondent-Management in respect of Petitioner No.2 by the next date. Stand over to **10 July 2024**.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)