

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7900 OF 2015
IN
WRIT PETITION NO. 11590 OF 2014

QUAZI BABI FARHEEN TABASSUM
VERSUS
BUKHARI URDU EDUCATION SOCIETY AND ANOTHER

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Advocate for Applicant : Shri R. J. Godbole
Advocate for Respondents 1 & 2 : Shri Kazi S.S.
AGP for Respondent 14 : Shri S.J.Salgare

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 13, 2015
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PER COURT :-

1. The applicant draws the attention of this Court to the order passed on 24.12.2014, which is as under:-

“1 Issue notice before admission to the respondents returnable on 3.2.2015.

2 Shri Godbole, learned advocate waives service on behalf of respondent No.1. Learned AGP waives service for respondent No.3 .

3. The petitioners shall deposit the back wages, as ordered by the School Tribunal, in the impugned order dated 13.11.2014, in appeal No.4/2014, on or before 17th day of January, 2015. Needless to state, request for extension of time will not be entertained. On the said condition, the impugned Judgment shall stand stayed till the next date of hearing.”

2. The applicant further submits that the School Tribunal has granted full backwages along with reinstatement and continuity by the impugned judgment dated 13.11.2014. As stated in paragraph No.2 of the Civil Application, the probation period of the applicant ended on 15.6.2014 and thereafter, the applicant would be entitled for full wages as a regular employee as per the VI Pay Commission. The petitioner / non-applicant has deposited an amount of only Rs.72,000/-.

3. The petitioner / respondent has filed an affidavit-in-reply to the Civil Application. A host of facts have been set out. It is, however, contended that the amount deposited by the petitioner in this Court is on the basis that the respondent / employee was a probationer.

4. It is further submitted that the backwages are to be calculated only till the date of the impugned judgment of the School Tribunal as this Court has stayed the said judgment on 24.12.2013.

5. I have considered the submissions of the learned Advocates.

6. In ordinary course, the probation period of the applicant / respondent would have concluded on 15.6.2014 and since then till the date of the impugned judgment, she would be entitled to regular salary, in the event her claim is upheld. This Court had directed the petitioner to deposit the backwages as ordered by the School Tribunal.

7. In my view, the petitioner has erred in its calculations of backwages. A further amount of Rs.1,66,161/- therefore, needs to be deposited in this Court.

8. Civil Application is, therefore, allowed in terms of prayer clause (B).

9. The petitioner / non-applicant shall deposit an amount of Rs.1,66,161/- in this Court within a period of four weeks from today. Request for extension of time shall not be entertained. If the said amount is not deposited as directed, the ad-interim protection dated 24.12.2014 granted to the petitioner shall stand vacated without reference to this Court.

(RAVINDRA V. GHUGE, J.)

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