

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5436 OF 2011 IN
WRIT PETITION NO.542 OF 2007

BEBI YADAVRAO KHARDE

APPLICANT

VERSUS

SAINT VIVEKANAND HIGH SCHOOL

RESPONDENT

Mrs.Renuka Ghule Palve, Advocate for the applicant.

Mr.R.L.Kute, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 30/07/2015

PER COURT :

1. The applicant makes a statement that she is working with the respondent and is discharging her duties every day. However, despite being in service, her regular salary is not being paid. Alternatively, it is prayed that the interim order dated 06/02/2008 granted by the Court be vacated.

2. Mr.Kute, learned Advocate for the non-applicant/Management has vehemently opposed the application. He contends that the Court had heard both the parties while granting the relief on 06/02/2008. Prayer Clause "C" has been allowed by way of interim relief on the condition that the petitioner deposits the amount in this Court.

3. Mr.Kute further submits that the respondent has no objection if the matter is listed for final hearing. He, however, opposes any modification in the interim relief granted after hearing both the sides.

4. In the light of the above, this application is partly allowed. Writ petition No.542/2007 be listed for final hearing in the week commencing from 21/09/2015.

6. Since the interim relief by order dated 06/02/2008 has been granted after hearing the litigating sides, I do not find it proper to modify the said relief after 7 years of its passing. However, if the statement of the applicant is true and she is actually discharging her duties with the respondent, she will be entitled for her salary for the days she performs her work.

(RAVINDRA V. GHUGE, J.)