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

CIVIL APPLICATION NO. 6445 OF 2014
IN WP/7446/2009

VENKATRAO DNYANOBA MANE
VERSUS
THE SECRETARY, AHILYABAI SHIKSHAN PRASARAK MANDAL
AND OTHERS

...

Advocate for Applicant : Mr.Jadhav Hanumant P.

Advocate for Respondents : Mr.V D Gunale for R/ 1 and R/2.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th June, 2015

Per Court:

1 The Applicant makes a grievance that the order dated 14.06.2010 passed by this Court admitting this petition and granting interim relief in terms of prayer clause (D) of the petition, has been violated and/or not fully complied with.

2 Mr.Jadhav, learned Advocate for the Applicant, submits that the back-wages only to the extent of five months have been deposited and they should have been deposited till 14.06.2010 when this Court admitted the petition and granted interim relief.

3 Mr.Gunale, learned Advocate for Respondent Nos.1 and 2/ Management, submits that five months' salary of the Applicant has been deposited in this Court and in the event there is any short fall in depositing the salary, the same would be done as Respondent Nos.1 and 2 have no intention of violating the orders passed by any Courts of law.

4 Upon considering the submissions of the learned Advocates, on going through the application and the order passed by this Court dated 14.06.2010, it is apparent that the School Tribunal had directed payment of back-wages from the date of termination dated 28.04.2009 till the date of reinstatement. As such, the Respondent/Management was under an obligation to pay the back-wages till the reinstatement of the Applicant. Since this Court has stayed the judgment of the School Tribunal on 14.06.2010, the effect of the direction of the School Tribunal to the extent of payment of back-wages stands stalled as on 14.06.2010.

5 In the light of the above, this Civil Application is partly allowed. The Respondent Nos.1 and 2/ Management shall calculate the salary of the Applicant in accordance with law and as per it's record and then shall deposit the back-wages of the Applicant for the months of October, 2009 till 14.06.2010, which is about eight months and fifteen days, within a period of SIX WEEKS from today in this Court.

6 Insofar as the prayer of the Applicant for listing Writ Petition No.7446/2009 for final hearing is concerned, the same is rejected as this Court is taking up old final hearing matters pending since 1994 on every Thursday and as such, no precedence can be granted to this petition.

7 Insofar as the prayer clause (C) in the application seeking vacating of the interim relief is concerned, I find that the order dated 14.06.2010 was passed by this Court after hearing both the sides. Rule has been issued. As such, the said prayer cannot be entertained.

8 Nevertheless, the Applicant is granted liberty to renew his request for listing the matter for final hearing after SIX MONTHS and/or pray for vacating the interim relief on account of changed circumstances or developments that may have occurred after the passing of the order by this Court on 14.06.2010.

(RAVINDRA V. GHUGE, J.)