

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

**LETTERS PATENT APPEAL NO. 52 OF 2015
IN
WRIT PETITION NO. 295 OF 2011**

Parvatidevi Apang Shikshan and
Prashikshan Prasarak Mandal

.. APPELLANT

VERSUS

Mr. Yogesh Laxman Mahajan
& others

.. RESPONDENTS

Mr. V.B. Patil, advocate for appellant.
Mr. S.R. Barlinge, advocate for respondent no. 1.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 6th JULY, 2015**

PER COURT :

1. This is an appeal by the management raising exception to the order passed by the learned Single Judge in Writ Petition no. 295/2011 on 15.02.2011.

2. Respondent-employee who was functioning as teacher in the school approached school tribunal agitating his grievance in respect of oral termination order issued by the management on 25.06.2010. The tribunal, on consideration of the appeal presented by the employee was pleased to allow the same and directed the management to reinstate the employee and also held the employee entitled to receive backwages. The order passed by the tribunal was subject matter of challenge before the learned Single Judge. The learned Single Judge, for the reasons recorded in the order, did

not find substance in the case put up by the management and dismissed the same however, directed the management to pay 50% of the backwages. Learned counsel for appellant urges that the direction in respect of deposit of 50% backwages is too harsh. This Court, while directing condonation of delay occurred in presenting the appeal by the management issued direction in respect of deposit of 50% of the backwages which direction has been complied with by the management. The condition imposed by the learned Single Judge in respect of deposit of 50% backwages does not appear to be too harsh. There is no any other legal question involved in the appeal. Respondent no. 1 is satisfied with the amount that has been deposited by the appellant in this Court and seeks permission to withdraw the same. Leave granted to respondent no. 1 to withdraw the amount deposited by appellant in this Court. In this view of the matter, appeal stands dismissed.

3. Pending civil application, if any, does not survive and stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb