

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12198 OF 2015
(Bhartiya Mahila Mandal and another Vs.Mangal Yakub Kamble)
IN
WRIT PETITION NO.10277 OF 2014
WITH
CIVIL APPLICATION NO.12199 OF 2015
(Bhartiya Mahila Mandal Vs. Shobha Mohanlal Dobariyal
and others)
IN
WRIT PETITION NO.10278 OF 2014

Mr.V.J.Dixit, Sr. Counsel h/f Mr.S.G.Rudrawar, Advocate for the
applicants.

Mr.S.G.Sangle, AGP for respondent No.2 / State.

Mr.B.V.Virdhe, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 30/09/2015

PER COURT :

1. While issuing notices to the respondents on 16/09/2015 in
Writ Petition No.10277/2014, this Court had passed the following
order :-

*"1. The petitioner is aggrieved by the judgment and order
dated 19/12/2013 delivered by the School Tribunal,
Aurangabad in Appeal No.53/2004.*

*2. Contention is that the respondent No.1 was never
appointed by the petitioner. False plea of oral termination has
been raised. Bogus documents are the basis of the claim of*

employment. Respondent No.1 is not yet reinstated in employment.

3. Issue notice before admission to the respondents, returnable on 14/10/2015. Mr.Virdhe, learned Advocate appears on caveat for respondent No.1 and waives service. Learned AGP waives service for respondent No.2.

4. On the point of interim relief, Mr.Rudrawar submits that the petitioner is willing to face the execution petition and is not praying for interim relief at this stage.

5. Mr.Virdhe submits that the execution proceedings have already been concluded and the petitioners have been directed to comply with the impugned judgment.

6. In the light of the above, the petitioners shall deposit the entire back wages in this Court as a condition precedent for considering the challenge posed in this petition.

7. Back wages shall be deposited on or before 09/10/2015."

2. By this civil application, the applicants/petitioners have cited financial difficulties in implementing the above order since there is a possibility that the back wages may amount to Rs.20,00,000/- approximately with reference to each of the respondent No.1

employee in these two petitions.

3. Mr.Virdhe, learned Advocate has graciously submitted that this Court may scale down the directions for depositing back wages provided both these petitions are heard finally at the admission stage itself. The petitioners are agreeable.

4. In the light of the above, the direction of this Court in clause 6 as reproduced above, is modified and the petitioners are, therefore, directed to deposit an amount of Rs.7,00,000/- (Rs.Seven Lac only) in each of these petitions on or before 20/10/2015. Matter shall stand over to 26/10/2015. Parties to note that if possible, these matters may be heard finally at admission stage.

5. In the event, the amounts are not so deposited, the respondents/employees are at liberty to recover the back wages with interest.

6. Both these civil applications are partly allowed in the aforesaid terms.

7. The learned Senior Advocate for the applicants and the learned

Advocate for the respondents /employees submits that the record and proceedings from the School Tribunal with Reference to Appeal No.53/2004 and 49/2004 be called for.

8. The applicants pray for *hamdast* so as to ensure the production of the record and proceedings urgently. Request is accepted.

9. Record and proceedings from the School Tribunal in Appeal Nos.53/2004 and 49/2004 be called for. *Hamdast* is granted.

(RAVINDRA V. GHUGE, J.)