

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

M.C.A. NO.768/2013 IN W.P. NO. 385/2012 (D)

(SANJAY JAYANTRAO TAJANE & ANOTHER **VERSUS** JT. DIRECTOR, HIGHER EDUCATION,
 AMRAVATI DIVISION & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.M. Ghare, counsel for the applicants.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : NOVEMBER 23, 2015.

By this application, the applicants seek a review of the order dated 17.06.2013.

It is the case of the applicants that the applicants-employees had resorted to two remedies, one before the Joint Director of Higher Education and the other before the Grievance Committee of the University. It is stated that the writ petition arose from the order passed by the Joint Director of Higher Education directing the management to pay the arrears of salary to the applicants. It is stated that this writ petition of the management was allowed and the order of the Joint director of Education was quashed and set aside. It is stated that against the order of the Grievance Committee and the Management Council, the management had filed a second writ petition and the said writ petition was also allowed. It is stated that against the order passed by the High Court in the second writ petition challenging the order of the Grievance Committee, the employees had preferred a special leave petition. It is stated that a notice has been issued by the Hon'ble Supreme Court in the said special leave petition and, hence, this Court may await the decision of the Hon'ble Supreme Court in the special leave petition filed by the applicants.

No ground whatsoever has been made out for reviewing the order dated 17.06.2013 in Writ Petition No.385 of 2012. If the applicants succeed in the special leave petition filed against the order of the High Court setting aside the order of the Grievance Committee and the Management Council, the applicants would be entitled to receive the arrears of salary. The order in the said special leave petition would not govern the order that is sought to be reviewed, as automatically, if the special leave petition is allowed, the applicants would be entitled to receive the amount which this Court finds to be a stale claim.

In the circumstances of the case, we reject the application for review. No costs.

JUDGE

JUDGE

APTE