

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MCA No. 806 of 2012 In WP No. 1228 of 2012
Mukesh v. Gondia Edn Society and ors

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

Court's or Judge's orders.

Mr M. D. Samel, Adv for applicant
 Mr Anand Parchure, Adv for R-2
 Mr T. R. Kankale, AGP for R-4

CORAM : B. P. DHARMADHIKARI AND
 A. P. BHANGALE , JJ

DATED : 7th January 2015

1. After hearing learned counsel for the rival parties, this Court vide order dated 26th February 2013 had found no substance in the review. However, to appreciate grievance and claim for salary as a part-time Lecturer, we adjourned the matter. Even at that juncture, we have taken note of the fact that the claim for salary was not supported by any signatures showing attendance of the petitioner.

2. Today, we have heard Advocate Samel for review applicant as also Advocate Parchure for respondent no. 2 further. Effort of Advocate Samel to go back and seek review of order dated 26th February 2013 cannot be allowed.

3. Limited question is, whether petitioner was prohibited from making his signature though he continued to teach and was permitted to work as a

part-time Lecturer. Petition itself does not contain any specific averment in this respect. In document filed as Annexure-16 with writ petition, petitioner has stated that during current session because of prejudiced mind, Principal did not allot him work-load of B. Com. (commerce) classes and also stopped taking his signatures in muster roll in current session i.e. 2011-12. It is also mentioned that his salary was not released from 1st August 2010 till date. This representation at Annexure-16 dated 30th September 2011 is addressed by petitioner to Principal. Thus, this does not show that the petitioner engaged in any classes and was discharging his duties. This also does not show that though he was discharging his duties, he was not paid salary.

4. In paragraph 21 of the petition, petitioner has stated that he had been making representations to respondents no. 1 and 2 to confirm his appointment as full-time Lecturer and pay him arrears of salary as full-time Lecturer and with malafide intention, officials of respondents were not permitting him to sign on muster roll. Therefore, he submitted representation on 30th September 2011 to respondent no. 2.

5. Thus, there is some inconsistency in Annexure-16 and assertion in paragraph 21 which is on affidavit.

6. If petitioner is still continuing in service and is not receiving salary, the situation would have been otherwise. The facts, however, show that the

petitioner does not have any workload and as such, he is not performing duties. The management has filled in four vacancies after following proper procedure.

7. Hence, if petitioner feels that he has been otherwise terminated, it is and it was open for him to approach the Competent Authority in accordance with law for redressal of such grievance. We, therefore, find no merit in the review petition. MCA is accordingly rejected. No costs.

JUDGE

JUDGE

joshi