

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

CIVIL APPLICATION NO.1700 OF 2015
IN MISC. CIVIL APPLICATION NO.974 OF 2015 IN WRIT PETITION NO.5331 OF
2014

(Shradheya Mahila Bahuuddeshiya Sanstha and other ..vs.. Ku. Geeta Ganpatrao Suryavanshi and
another)

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

Court's or Judge's orders

Shri S.Z. Quazi, Advocate for the applicants,
Shri B.H. Shambharkar, Advocate for the non-applicant No.1,
Shri A.M. Deshpande, AGP for the non-applicant No.2.

CORAM : Z.A. HAQ, J.
DATED : 23-09-2015

Heard.

For the reasons stated in the application, the applicants/petitioners are permitted to amend the miscellaneous civil application.

Civil application is allowed accordingly.

Misc. Civil Application No.974 of 2015.

Heard Shri S.Z. Quazi, learned Advocate for the applicants/petitioners, Shri B.H. Shambharkar, learned Advocate for the non-applicant/respondent No.1 and Shri A.M. Deshpande, learned Assistant Government Pleader for the non-applicant/respondent No.2.

2. The applicants/petitioners seek review of the order passed by this Court on 18-03-2015, to the extent the applicants/petitioners are directed to deposit the

arrears of salary payable to the non-applicant/respondent No.1 as per the order passed by the School Tribunal.

3. The learned Advocate for the applicants/petitioners has submitted that considering the nature of charges against the non-applicant/respondent No.1 and the fact that the appeal filed by the non-applicant/respondent No.1 is allowed on technical grounds, it was not appropriate on the part of the Tribunal to grant entire arrears of salary. In support of the submission the learned Advocate has relied on the judgment given in the case of **Govt. of India & Another v. George Philip** reported in **AIR 2007 SC 705**.

4. It is admitted that the non-applicant/respondent No.1 has been reinstated pursuant to the order passed by the School Tribunal and she is working and is being paid the regular salary.

5. After hearing the learned Advocates for the respective parties, in my view, if the interim order passed on 18-03-2015 is modified as under, it would sub-serve the ends of justice :

(i) The petitioner No.1-society shall deposit 50% of the salary payable to the respondent No.1-employee with the Registry of this Court till 15-01-2016.

(ii) The President or the Secretary of the petitioner No.1-society shall file separate affidavits

containing an undertaking that in case the writ petition is dismissed, the petitioner No.1-society shall pay the balance amount payable to the respondent No.1 within the time as would be stipulated by this Court with interest as would be determined by this Court at the time of hearing. The undertaking shall be filed before this Court till 16-10-2015. In case the amount is not deposited and/or undertaking is not filed within the stipulated time, the interim order shall stand vacated without reference to the Court.

The miscellaneous civil application is partly allowed in the above terms.

JUDGE

pma