

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.504 OF 2006.

(ARYA VIDYA SABHA & ANR...VS..SMT. SHASHIKALA NAIDU & ANR.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 04, 2015.

Heard Shri V.P.Marpakwar, learned advocate for the petitioners, Shri P.D.Meghe, learned advocate for the respondent No.1 and Ms S.S. Jachak, learned A.G.P. for the respondent No.2.

The petition is filed challenging the order passed by the University and College Tribunal, allowing the appeal filed by the respondent No.1, setting aside the order of dismissal and directing the reinstatement of the respondent No.1 with continuity of service and arrears of salary.

This Court by order dated 28th July, 2008 while issuing rule refused to grant stay to the directions of reinstatement, however, the directions regarding payment of arrears of salary were stayed. During pendency of the petition, the respondent No.1 opted for voluntary retirement which request is accepted by the petitioner/ employer. The papers of the respondent No.1 for finalizing the pension were forwarded to the concerned authority, however, no steps were taken and therefore, this Court by order dated 26th August, 2015 directed the Accountant General-II,

Maharashtra, Nagpur to file an affidavit. Accordingly, an affidavit is filed and it is stated that an amount of Rs.1,80,000/- has been paid to the respondent No.1 on 18th July, 2015 and Rs.85,535/- has been paid to the respondent No.1 towards gratuity on 18th December, 2014.

Shri Meghe, learned advocate for the respondent No.1 seeks time to ascertain as to whether the entire claim of the respondent No.1 has been satisfied or not.

In view of the further events i.e. acceptance of the voluntary retirement of the respondent No.1 by the petitioner and the giving up of the arrears of salary by the respondent No.1 by the communication dated 16th June, 2012, nothing survives in the petition. The challenge raised on behalf of the petitioner to the impugned order does not survive. Therefore, it would not be appropriate to keep the petition pending.

The petition is disposed of. In the circumstances, the parties to bear their own costs.

It is clarified that if the respondent No.1 has any grievance regarding the amount, she is at liberty to take appropriate proceedings in the matter.

JUDGE