

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1190 OF 2016

Maratha Shikshan Sanstha Uran

Through Secretary

.. Petitioner

Vs.

Mohan Yashwant Kundale (since deceased)

through his legal heirs

1a)Smt.Anandibai Yashwant Kundale and Ors. .. Respondents

Mr.Satyajeet Rajeshirke for the Petitioner.

Mr.Umesh Pawar for Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA, J.

DATE : 11th August 2016

P.C.

. By this petition filed under Article 227 of the Constitution of India, the petitioner (management) has impugned the order dated 17th November 2015 passed by the learned Presiding Officer, School Tribunal, Kolapur on Contempt Application No.4 of 2014 filed by the legal heirs of the deceased Shri Mohan Yashwant Kundale who had succeeded in the appeal before the school tribunal. The school tribunal by the judgment and order dated 26th February 2014 had allowed the appeal filed by Shri Mohan Yashwant Kundale and had directed the management to reinstate him on his original post with continuity of service. The management challenged the said judgment and order by filing a writ petition in this Court on 2nd May 2014. Since there was no stay granted by the school tribunal to the said order of reinstatement and since the said order was not implemented by the management, the legal heirs of the deceased Shri Mohan Yashwant Kundale filed contempt application before the school tribunal.

2. By an judgment and order dated 17th November 2015, the school tribunal has rendered a finding of fact that the management has disobeyed the order passed by the school tribunal and has accordingly imposed penalty in the sum of Rs.25,000/- and has directed the management to pay compensation of Rs.25,000/- to the legal heirs of the said deceased. This judgment and order passed by the school tribunal is impugned in this petition by the management.

3. I have heard the learned counsel appearing for both the parties. Learned counsel for the petitioner states that the petitioner had already filed writ petition in this Court on 2nd May 2014. During the pendency of the writ petition, the said Assistant Teacher had expired on 18th June 2014.

4. There is no dispute that there was no stay granted by the school tribunal to the said judgment and order dated 26th February 2014. The petitioner management also did not take any steps for seeking stay of the impugned order. In these circumstances, in my view, the school tribunal was justified in directing the management to pay compensation of Rs.25,000/- to the legal heirs of the said deceased Assistant Teacher. Pursuant to the ad-interim order passed by this Court, the management has deposited a sum of Rs.25,000/- in this Court.

5. Learned counsel for the petitioner states that financial condition of the petitioner is very poor and on that ground also, the legal heirs of the said deceased Shri Mohan Yashwant Kundale can not be allowed to withdraw the said amount. I am not inclined to accept this submission of the learned counsel for the petitioner management.

6. In my view, the writ petition is devoid of merit and is accordingly dismissed. Office is directed to release the said amount of Rs.25,000/- to the legal heirs of the deceased Shri Mohan Yashwant Kundale within two weeks from today. No order as to costs.

R.D. DHANUKA, J.