

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3613 OF 2016

Shri. Devidas Sakharam Godge

.....Petitioner

V/s.

Sudhagad Education Society & Ors.

.....Respondents

\* \* \* \* \*

Mr. S.T. Bhosale i/by. Mr. Dilip Bodake, Advocate for the petitioner.

Mr. Mandar Limaye a/w. Mr. Mahendra Aagvekar, Advocate for respondents no.1 and 2.

Ms. M.S. Bane, 'B' Panel Counsel for State, respondents no.4 and 5.

**CORAM :- SMT. R.P. SONDURBALDOTA, J.**

**DATED :- 28TH SEPTEMBER, 2016.**

**P.C. :-**

1). This petition challenges the order dated 19<sup>th</sup> September, 2014 passed by the School Tribunal on the application filed by the petitioner for execution of the order dated 25<sup>th</sup> March, 2003 passed in the petitioner's appeal. By that order, the petitioner was reinstated in service w.e.f. 22<sup>nd</sup> May, 1997 with full backwages. Thereafter, the petitioner was paid a sum of Rs.9,08,098/- by the Education Officer by deducting the amount from the non-salary

grant of the School in the year 2005 towards execution of the order. The petitioner was also paid, admittedly a sum of Rs.2,00,000/- pursuant to the mutual understanding between them. In his application for execution, the petitioner alleges that the balance amount due to him, was of Rs.12,31,860/- and sought its payment in execution. In the impugned order, the School Tribunal has noted that, for arriving at the claim of Rs.12,31,860/- the petitioner has calculated his backwages for the period of 1<sup>st</sup> September, 1991 to 19<sup>th</sup> July, 2004 when the order under execution, grants backwages to him from 22<sup>nd</sup> September, 1997. In that circumstance, the calculation of the balance backwages by the petitioner was clearly incorrect. Thereafter, the learned Judge records that, for the purpose of calculation of the excess amount due to him, the Education Officer, Secondary, Raigad, had time and again called upon the petitioner to produce his service book. However, the petitioner did not produce the service book to the Pay Unit for verification. During the course of his submissions, Mr. Bhosale, the learned Advocate appearing for the petitioner submitted that the service book was furnished late to the petitioner in the year 2008. The petitioner, however, was given a special hearing in his office by the Education Officer on 7<sup>th</sup> May, 2015. This would mean that, though the petitioner had the service book in his hand on the date of the hearing did not produce the same before the Education Officer. Then, the pay-unit of the Department fixed the amount due to the petitioner at Rs.11,32,919/-. Since admittedly, the petitioner has already received a sum of Rs.11,08,098/-. The balance amount

payable to the petitioner was held to be of Rs.24,821/- and allowed the application for that amount. Considering the above undisputed facts, there can be no infirmity in the impugned order. Hence, the petition is dismissed.

**(SMT. R.P. SONDURBALDOTA, J)**