

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

Civil Application (CAW) No. 389 of 2016

in

Writ Petition No. 23 of 2015

(Progressive Education Society, Hinganghat, Distt. Wardha and anr. Vs.
Rajendra Damodhar Atkar and anr.)

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

Court's or Judge's order

Shri S. D. Chande, Advocate for the applicant/respondent
no. 1

Shri P. D. Meghe, Advocate for the respondent no. 2

CORAM : Prasanna B. Varale, J.

DATE : 17-2-2016.

Heard Shri Chande, learned counsel for the
applicant.

Perused the orders passed by this Court dated
6-7-2015 and 11-12-2015. In compliance of the
order of this Court, the petitioner has deposited an
amount of Rs. 8,26,247/- i.e. 50% of the amount of
arrears of salary in this Court and for the remaining
50% of the amount of salary, the petitioner has
submitted the solvency certificate on furnishing an
undertaking to this Court.

The applicant/respondent no. 1 submits that
since his termination which was effected in the year
2012 till the order passed by the School Tribunal
allowing the appeal thereby directing the petitioner –
society to reinstate the respondent no. 1 and to pay
back wages, the respondent no. 1 was without any
source of income and the respondent no. 1 is facing

.....2/-

financial hardship. It is submitted that the respondent no. 1 is in dire need of the finances.

Considering the controversy involved in the present writ petition, the directions of this Court dated 6-7-2015 and 11-12-2015 and the grounds raised by the applicant, in my opinion, the interest of the applicant can be served by permitting the applicant/respondent no. 1 to withdraw 50% of the amount deposited by the petitioner in this Court vide cheque no. 645247 dated 8-1-2016 subject to filing of an usual undertaking before this Court.

The application is disposed of in above terms.

JUDGE

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