

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

Civil Application (CAW) No. 390 of 2016

in

Writ Petition No. 147 of 2015

(Progressive Education Society, Hinganghat, Distt. Wardha and anr. Vs.
Ku. Nalanda Ramdasji Raut 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 her 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

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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. 645248 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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