

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

CIVIL APPLICATION (W) NO.1609 OF 2016
IN
WRIT PETITION NO.4184 OF 2015

POOJA SHIKSHAN SANSTHA TUMSAR AND ANR.
VS
PRESIDING OFFICER, SCHOOL TRIBUNAL, NAGPUR AND OTHERS

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

Court's or Judge's orders

Shri A. Z. jibhkate, Advocate for the petitioner.
Shri K. L. Dharmadhikari, AGP for respondent nos.1 & 3
Shri k. V. Bhoskar, Advocate for respondent no.2.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 26, 2016.

By this application, the respondent no.2 seeks permission to withdraw the amount deposited by the petitioners pursuant to the order dated 19-10-2015.

The appeal filed by the respondent no.2 before the School Tribunal challenging the order of termination dated 25-6-1997 has been allowed by the School Tribunal directing reinstatement with payment of 25% back wages. While admitting the writ petition the order passed by the School Tribunal was stayed subject to deposit of 25% back wages.

In the application, it has been stated that due to pendency of litigation since 1997, the respondent no.2 is facing financial crisis. Hence, permission to withdraw the amount deposited in question has been sought.

The application is opposed by the learned Counsel for the petitioners on the ground that the order of reinstatement has been stayed and there are good chances of

succeeding in the writ petition. It is further stated that the recovery of aforesaid amount, if permitted to be withdrawn, would not be possible in that situation.

Considering the fact that the School Tribunal has allowed the appeal filed by the respondent no.2 and back wages to the extent of 25% have been awarded which amount comes to Rs.4,34,150/-, in the facts of the case, the respondent no.2 is permitted to withdraw an amount of Rs.1,50,000/- subject to filing an undertaking that in case the writ petition is allowed, said amount shall be repaid with interest at such rate the Court may direct. Rest of the amount be invested in fixed deposit.

Civil application is allowed. No costs.

JUDGE

/MULEY/

C E R T I F I C A T E

“ I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by : Sanjay B. Muley,
Personal Assistant.

Uploaded on : 30-07-2016