

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3096/2016

(ABDUL MAJID ABDUL MUNAF **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri C.A. Joshi, counsel for the petitioner.
 Shri V.P. Gangane, A.G.P. for the R-1 & 2.
 Shri A.S. Dhore, counsel for the R-3 & 6.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 15, 2016.

By this writ petition, the petitioner challenges the charge-sheet dated 02.03.2016 served on the petitioner under the provisions of Rule 36-37 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

Though this Court had found that the petition was premature and the petitioner could not have challenged the charge-sheet by filing the writ petition, when the matter was heard on 24.06.2016, a statement was made on behalf of the petitioner that the petitioner was not paid a single pie after the charge-sheet was served on the petitioner and it would be necessary for the respondent-Management to pay the salary of the petitioner and, hence, we had issued a notice to the respondents.

Shri Dhore, the learned counsel for the respondent-Management, states that though the management tried to pay the unpaid salary and the subsistence allowance as per the directions issued by this Court in Writ Petition No.4806 of 2009 by Demand Draft and Cheque, the petitioner refused to accept the same. It is stated that the salary and the subsistence allowance that is payable to the petitioner, could be paid to the petitioner within seven days. It is stated that after concluding the departmental enquiry against the petitioner, the services of the petitioner have been terminated by the order dated 23.06.2016.

Shri Joshi, the learned counsel for the petitioner, disputes that the services of the petitioner are terminated and/or that the respondent-Management tried to pay the salary to the petitioner. It is stated that the petitioner is ready to accept the salary.

At this stage, Shri Dhore, the learned counsel for the management, states that again there may be a dispute about the acceptance of the salary as the petitioner is not co-operating with the management and in this background, the management may be permitted to deposit the amount towards unpaid salary and subsistence allowance of the petitioner, in this Court.

We permit the management to deposit the amount towards unpaid salary and subsistence allowance in this Court, which the petitioner would be free to withdraw.

Since we find that the petition challenging the charge-sheet is premature and since the respondents claim to have terminated the services of the petitioner and have agreed to pay the salary and the subsistence allowance that is due and payable to the petitioner within seven days, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

APTE

CERTIFICATE

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

Uploaded by: Rohit D. Apte.

Uploaded on : 19.07.2016.