

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
MISC.CIVIL APPLICATION NO.195/2015
IN
WRIT PETITION NO. 980/2014

(Ku.Yamu Narayanrao Buire vs. Gramin Vikas Shikshan Krida Prasark Mandal and others)

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

Mr. A.J. Kadu, Advocate for applicant/petitioner
Mr.Gaurav Belsare, Adv. for respondents 1 & 2

CORAM: A.B.CHAUDHARI, J.

DATED : 29th February, 2016.

This is an Application for review of the order
dated 24.02.2014 in Writ Petition No. 980/2014.

Mr. A.J. Kadu, learned counsel for the review petitioner vehemently contended that the impugned order suffers from an error apparent on the face of the record because this Court in LPA Nos. 533/2010 & 581/2010 filed by the respondent no.1, left it for decision as to whether the termination would be treated under Rule 25-A or 26 of the MEPS Rules, 1981 and, therefore, by reviewing the impugned order, the issue about award of back wages and its quantum should also be reopened and kept for decision.

I find that the issue has been decided by this Court holding that award of 100% backwages for 17 years would tantamount to heavy financial burden on the Management. That may result into drastic consequences of even closing down the school, to the

detriment of the other employees. At any rate, the Court is under duty to strike out a balance while awarding back-wages in order to take care of the overall scenario, including the employment of the others. That is the reason why this Court did not interfere with the order awarding only 25% back-wages because that is spread over for a period of long seventeen years and certainly the petitioner would be decently compensation even by awarding 25% back wages rather than having nothing. In that view of the matter, I do not think that any error on the face of the record has crept in, as contended by Mr. Kadu, learned counsel for the applicant/petitioner. In that view of the matter, I make the following order;

ORDER

MCA No. 195/2015 is rejected.

JUDGE

sahare