

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION(W) NO 1939/2016
IN
WRIT PETITION NO. 1813/2014

(Vasanta s/o Mukunda Nagose vs. The Scheduled Tribe Certificates Scrutiny Committee and others)

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

Court's or Judge's order

Ms. PD.Rane, Advocate for petitioner/applicant
 Ms. Ritu Kalia, AGP for respondents 2 and 5
 Mr. Nihalsingh Rathod, Adv. for respondents 3 and 4

**CORAM : B.R. GAVAI &
 V.M. DESHPANDE, JJ**
DATED : 15th September, 2016

Heard.

By way of present Civil Application, the applicant has approached this Court, contending that the respondent nos. 3,4 and 5 have not paid the salary of the petitioner though vide interim order dated 9th July 2014 this Court had directed that the petitioner's services shall not be terminated.

This Court vide order dated 9th July, 2014 had issued Rule and had also directed that the respondent nos. 3 and 4 shall not terminate the service of the petitioner on the ground of the order impugned in the petition. It was however made clear that the petitioner shall not be entitled to any other benefits on the basis of belonging to Scheduled Tribe.

It is the contention of the respondent nos.3 and 4 that there was an agreement between the petitioner and the respondent nos.3 and 4 that during the pendency of the petition the petitioner would be paid salary of only Rs. 5000/- and the rest of the amount will be kept in the account of the Principal. It is submitted that it was done since it was apprehended by the Management that there might be recovery in the event the petitioner's petition is dismissed. This fact is seriously disputed by the counsel for the petitioner.

Be that as it may, vide our order dated 31st August, 2016 we had issued summons to the respondent nos.3 and 4 since they had not appeared inspite of duly served. Today, Shri Nihalsingh Rathod, learned counsel for the respondent nos. 3 and 4 states that the entire salary has been paid to the petitioner, which is not disputed by the learned counsel for the petitioner.

In that view of the matter, we find that the Civil Application has served its purpose. The Civil Application is allowed, with a direction to the respondent no.5 that hereinafter he shall directly credit the salary of the petitioner to the account of the petitioner.

JUDGE

JUDGE

C E R T I F I C A T E

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

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