

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 179 OF 2017

ALKA CHANDRAKANT BHAROTE
VERSUS
THE VICE CHANCELLOR,
NORTH MAHARASHTRA UNIVERSITY AND OTHERS

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Advocate for Petitioners : Shri Akshay Kulkarni
h/f Shri S.B.Sant

Advocate for Respondent 1 : Shri Y.B.Borkar
Advocate for Respondents 3 to 5 : Shri L.S.Mahajan
AGP for Respondents: Shri S.N.Kendre

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 12, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order dated 9.12.2016 delivered by the Presiding Officer, University and College Tribunal, Aurangabad, by which, the interim application for stay to the order of termination dated 18.3.2016 has been rejected.

2. Appeal No. NMU-04/2016 is pending before the Tribunal. The petitioner has already been reinstated in service on 7.10.2016. Learned Advocate appearing on behalf of respondent / Management / Employer of the petitioner submits on instructions, that the management is agreeable to pay the backwages from the date of the filing of the Appeal which is 13.6.2016. He, however, submits that

the right of the management to initiate disciplinary proceedings against the petitioner by following the due procedure of law would be exercised accordingly.

3. In the light of the above, the petitioner submits that the pending appeal before the Tribunal could be disposed off and the petitioner is prepared to face the disciplinary proceedings.

4. Considering the above, this petition is disposed off by consent. The statement of the respondent Nos. 3 to 5 that backwages of the petitioner would be paid for the period 13.6.2016 till 6.10.2016 is accepted. Said amount shall be paid to the petitioner within eight weeks from today. The respective rights of the petitioner and the management in so far as the disciplinary proceedings are kept open.

5. The impugned order, therefore, would not survive. Appeal No. NMU-04/2016 shall stand disposed off as withdrawn. In so far as the wages from the date of termination till 12.6.2016 are concerned, the same shall be subject to the result of the disciplinary proceedings.

(RAVINDRA V. GHUGE, J.)

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