

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

**C.A.W. NO.140/2016**  
**IN**  
**WRIT PETITION NO.7081/2014**

Ravindra Shikshan Prasarak Mandal and another  
..Vs..  
The Education Officer (Secondary), Zilla Parishad, Wardha and another

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

Court's or Judge's orders

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Shri Prashant Shende, Advocate for the petitioners.  
Shri V.N. Patre, Advocate for respondent No.2.

**CORAM : Z.A.HAQ, J.**  
**DATE : 24.2.2017.**

The respondent No.2 / employee has filed this application praying that the writ petition be dismissed for non-compliance of the directions given by this Court by the interim order passed on 18<sup>th</sup> March, 2015. According to the respondent No.2 / employee, by the order passed on 18<sup>th</sup> March, 2015, the Management was directed to pay 50% of the arrears of salary as directed by the School Tribunal to the employee within three months and to deposit balance amount of 50% of arrears of salary payable to the respondent No.2 as per orders passed by the School Tribunal, with the Registry of this Court within six months. According to the respondent No.2 / employee, the directions given to the Management to pay 50% of the arrears of salary to

the respondent No.2 were to stand stayed if the Management reinstated the respondent No.2 within one week. The contention of the respondent No.2 is that as he is reinstated within one week the Management is not liable to pay the arrears of salary as per Clause (i) of operative part of order passed on 18<sup>th</sup> March, 2015, however, the Management has to deposit the balance amount of 50% of the arrears of salary with the Registry of this Court and as the Management failed to comply with these directions, the petition be dismissed.

The Advocate for the Management has submitted that as the respondent No.2 is reinstated within one week the Management is neither required to pay 50% of the amount of arrears of salary to the respondent No.2 nor to deposit the balance amount of 50% of arrears of salary with the Registry of this Court.

The submissions made on behalf of the Management cannot be accepted. The directions given by this Court on 18<sup>th</sup> March, 2015 are clear. The Management was not required to pay the amount of 50% of arrears of salary to the respondent No.2 if the Management reinstated the respondent No.2 within one week. In Clause (iii) of the operative part of the order passed on 18<sup>th</sup> March, 2015 there is nothing on the basis of which it can be said that the Management was not required to deposit the balance amount of 50% of the arrears of salary with the Registry of this Court.

Though the respondent No.2 has prayed that petition be dismissed, instead of dismissing the petition,

in my view, as the Management has committed default the interim order granted on 18<sup>th</sup> March, 2015 has to be vacated.

The interim order granted on 18<sup>th</sup> March, 2015 is vacated.

The Management shall comply with the directions given by the School Tribunal till 2<sup>nd</sup> March, 2017.

List the petition for further consideration on 3<sup>rd</sup> March, 2017.

JUDGE

*Tambaskar.*