

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

CIVIL APPLICATION NO.1619 OF 2015

IN

WRIT PETITION NO.3256 OF 2014

(BAHUJAN VIKAS MANDAL & ANR....VS.. SANJAY BHIMRAO DHOTRE & ANR.)

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

Court's or Judge's orders

Shri R.L.Khapre, Advocate for Petitioners.
Shri A.M.Ghare, Advocate for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : NOVEMBER 24, 2017.

Heard.

2. By this application the respondent No.1/employee prays that the interim order granted by this Court on 10th December, 2014 be vacated as the conditions imposed by this Court while granting interim order have not been complied with. According to the respondent No.1/employee he is not paid salary for the period from 1st April, 2014 till 15th December, 2014 which the petitioners were required to pay as per the order passed on 10th December, 2014. The petitioners have filed reply and have pointed out that not only the payment for the above period is made to the respondent No.1/employee but even the salary for the subsequent period till 31st October, 2016 is paid. It is further submitted by the learned advocate for the petitioners that the salary up to October, 2017 is received by the respondent through the office of the Education Officer.

3. The learned advocate for the respondent No.1/employee has disputed the above fact urging that the amount receivable by the respondent No.1 is not properly calculated and the increments which should have been given to the respondent No.1 treating him in continuous service from the date of his appointment, have not been properly worked out.

4. I find that there are disputed questions which cannot be examined at this stage as the issue which will have to be considered for deciding the controversy is also involved in the substantive petition.

5. As the conditions imposed while granting the interim order are complied with substantially, the prayer made in the civil application cannot be granted. The other points raised in the application are kept open for consideration at appropriate stage.

The civil application is **dismissed**. In the circumstances, parties to bear their own costs.

JUDGE

Rraut..