

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

CIVIL APPLICATION (CAW) NO.1512 OF 2017

IN

WRIT PETITION NO.3106 OF 2015

(PUBLIC EDUCATION SOCIETY & ANR...VS..HUSAIN KHAN LAL KHAN PATHAN & OTH)

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

Court's or Judge's orders

Shri C.A.Joshi, Advocate for Petitioners.
Shri Mohd. Ateeque, Advocate for Respondent No.1.
Shri Neeraj Patil, A.G.P. for respondent Nos. 2 to 4.

CORAM : S.C.GUPTE, J.

DATED : AUGUST 21, 2017.

Learned counsel for the petitioners tenders his reply to the civil application. A copy has been furnished across the bar to the advocate of respondent No.1.

This civil application is for vacating the interim stay granted by this Court. The order impugned in the present petition is an order passed by the School Tribunal, Amravati on an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. By the impugned order, the termination of services of respondent No.1 herein (appellant before the School Tribunal) was set aside and he was directed to join the school existing and functioning at present at Salam Nagar, Akola within 15 days. The petitioners herein were directed to allow him to join the school and sign the muster roll and render his services. The petitioners were also directed to pay all back-wages to respondent No.1 from 2nd May, 2011 till the date of the order.

When rule was issued by this Court the direction to pay back-wages from 2nd May, 2011 till 6th December, 2014, i.e. the date of order, was stayed subject to the petitioners depositing 50% of the amount of back-wages in this Court within a period of eight weeks. The amount is admittedly not deposited by the petitioners.

Learned counsel for the petitioners indicates inability of his clients to deposit the amount.

In the premises, the interim stay of the order of back-wages granted on 9th August, 2016 is vacated. Respondent No.1 will be at liberty to adopt such steps as he may be advised for enforcement of the impugned order.

The civil application is **disposed of** accordingly.

JUDGE

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