

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

CIVIL APPLICATION NO. 2671 OF 2016

IN

WRIT PETITION NO. 637 OF 2014

(DY. DIRECTOR OF EDUCATION, AMRAVATI...VS.. KU. YAMU NARAYANRAO BIRE & OTH.)

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

Court's or Judge's orders

Ms Tajwar Khan, A.G.P. for Petitioner.
Shri P.A.Kadu, Advocate for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : APRIL 13, 2017.

The respondent No.1-employee has filed this application praying that the petitioner-Deputy Director of Education, Amravati Region, Amravati be directed to grant approval to her appointment w.e.f. 1993-94 in the pay scale of Rs.15600-39100, considering her date of appointment as 28th January, 1993. These directions are sought by the respondent No.1-employee in view of clause (3) and clause (6) of the operative order passed by the School Tribunal. The School Tribunal has allowed the appeal filed by the respondent No.1-employee on 19th July, 2013. The respondent No.1 is required to file civil application because of inaction on the part of the petitioner-Deputy Director.

On 1st March, 2017 when the civil application was taken up for hearing, a fallacious submission was made on behalf of the petitioner-Deputy Director that the delay in granting the benefits as per the order passed by the School Tribunal to the respondent No.1-employee was because of non-co-operation on the part of Adarsh Junior College, Dhamangaon Railway and Pundlikrao Kale Junior College,

Khadki, Akola. This Court passed order on 1st March, 2017 pointing out to the Deputy Director his powers and authority and only after that the Deputy Director came out his slumber and took action and now it is submitted that an amount of about Rs.6,00,000/- is sanctioned and the bills are sent to the Treasury.

Accepting the submissions made on behalf of the petitioner that the amount of Rs.6,00,000/- is sanctioned/ approved and bills are sent to the Treasury Officer and the amount will be deposited in the account of the respondent No.1-employee in due course, nothing survives for adjudication in the civil application.

The civil application is disposed accordingly.

However, as the respondent No.1-employee is deprived of the amount receivable by him as per the order passed by the School Tribunal for a considerable time, the petitioner-Deputy Director of Education shall pay costs of Rs.25,000/- to the respondent No.1-employee within two months and file an affidavit of compliance on record of this petition.

The petitioner-Deputy Director of Education is at liberty to recover this amount from Adarsh Junior College, Dhamangaon (not party in this petition) and/ or Pundlikrao Kale Junior College, Khadki, Akola in the proportion he decides, after recording their lapses as argued before this Court.

JUDGE