

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.208 OF 2017
(The Chief Executive Officer and others Vs Maheshwar Gurunath
Hogade and another)
IN
WRIT PETITION NO.1555 OF 2016

Mr.A.V.Hon, Advocate for the applicants.
Mr.H.B.Pawar, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/02/2018

PER COURT :

1. Pursuant to the order dated **24/02/2017**, the learned Advocate for non-applicant No.1 / original appellant, submits that the appointment order issued by the Management of Shiva Trusts, Pratibhatai Pawar College of Pharmacy, has committed an error in writing the date of appointment as 10/12/2016. Actually, the appellant had joined the said college on 10/02/2016. Due to the confusion in the date, it was mentioned before this Court, when this Court delivered its judgment on 24/02/2017, that the appellant had joined duties in the said College on 10/12/2016. Learned Advocate submits that the said statement is made erroneously and confusion in the date mentioned on the appointment order, which the Management has subsequently corrected.

2. Mr.Hon, learned Advocate strenuously contends that the appellant has acted fraudulently. When he joined duties on 10/02/2016, he could not have instructed his earlier Advocate in the writ petition that he had joined duties on 10/12/2016.

3. Learned Advocate for the appellant then submits that for the error committed, the back wages of the appellant could be deprived from 01/01/2016 to 09/12/2016. An apology is tendered.

4. Considering the above and since the appellant has tendered an apology and has contended that there was some confusion with regard to the dates of his taking up a fresh employment, he shall be deprived of the back wages from 01/01/2016 to 09/12/2016, as some kind of punishment.

5. Consequentially, the review application is partly allowed to the extent of modifying the direction to the Management to pay back wages from 02/06/2015 to 09/12/2016 and the same shall be replaced by the direction to pay back wages only for the period from June 2015 to December 2015 which is about 7 months.

6. It is expected that the Management would pay the abovesaid

back wages to the original appellant directly and preferably within a period of 3 months from today since the appellant has already rejoined the applicant/Management.

7. Learned Advocate for the original appellant submits on instructions that Misc.Appl.(Contempt) No.2/2016 filed before College and University Tribunal shall be unconditionally withdrawn on or before 15/02/2018. Needless to state, the University and College Tribunal shall dispose of the said proceedings on the said date.

(RAVINDRA V. GHUGE, J.)