

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

WRIT PETITION NO.3750 OF 2017

(Shri Vidya Vaibhav Shikshan Sanstha, thr. its President Shri Surendra Dhaniramji
Wadibhasme and another Vs. Presiding Officer, School Tribunal, Nagpur and others)

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

Court's or Judge's orders.

Shri P.A. Jibhate, Advocate for Petitioners.
Shri C.A. Lokhande, AGP for Respondents 1 & 2/State.
Shri Abhay Sambre, Advocate for Respondent 3.

CORAM: ROHIT B. DEO, J.

DATE: 23rd OCTOBER, 2018.

Civil Application (CAW) No.2695/2018:

Heard.

2] This application seeks to recall order dated 18.09.2018, by and under which, the interim relief granted on 12.03.2018 is revoked in view of the failure of the management to deposit 50% of the salary for the period 01.08.2014 to 27.06.2016 as a condition for grant of interim relief.

3] The order dated 18.09.2018 reads thus:

This Court, by order dated 12-3-2018 directed the petitioners to deposit 50% of the salary for the period 01-8-2014 to 27-6-2016 within a period of two months as condition for granting stay to the direction to pay back-wages.

2. *The order is not complied with.*

3. *The interim relief granted by order dated 12-3-2018 is revoked.*

4. *If the petitioners do not pay the entire back-wages to respondent 3 within four weeks, the failure shall be treated as contempt and appropriate action shall be initiated.*

4] Be it noted, that the application seeking recall again seeks two months time to comply with the direction – order dated 12.03.2018.

5] It is manifest that the petitioner – management has no respect for the sanctity of the law or judicial process. It was by order dated 12.03.2018 that this Court stayed the direction to pay back-wages subject to the condition that 50% of the salary for the period 01.08.2014 to 27.06.2016 be deposited within two months. The two months period ended on 12.05.2018. No steps were taken by the management to seek extension. No explanation was given by the management for not complying with the order dated 12.03.2018. Ultimately, when during the course of hearing on 18.09.2018 it was noticed that the petitioner – management has not complied with the condition of grant of interim relief, the interim relief was revoked.

6] The application seeking recall of the order dated 18.09.2018 is an abuse of the process of law and is clearly lacking in *bona fides*.

7] The application is rejected.

8] The President Shri Surendra Dhaniramji Wadibhasme to remain personally present, on 29.10.2018.

JUDGE