

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1640 OF 1998

1. Secretary,
Dnyaneshwar Shikshan Sanstha Ltd.,
Apegaon, Tq. Ambajogai, Dist. Beed.

2. The Head Master,
Jaikishan Vidyalaya Apegaon,
Tq. Ambajogai, Dist. Beed.

..Petitioners

Versus

1. Bhausahab Shesherao Chavan,
Age major, Occ. Service
R/o Apegaon, Tq. Ambajogai, Dist. Beed.

2. The Education Officer (Secondary),
Zilla Parishad, Beed.

3. The Presiding Officer,
School Tribunal, Aurangabad
Division, Aurangabad.

4. The State of Maharashtra

..Respondents

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Advocate for Petitioner : Shri Salunke V.D.

Advocates for Respondent 1 : Shri Mane D.A. h/f Shri Patil Milind
and Shri Bhise K.B.

Advocate for Respondents 2 & 4 : Shri Ganachari S.M.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: May 10, 2019

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ORAL JUDGMENT:-

1. This matter was heard on 6.5.2019 and was posted today for enabling the petitioner / management and respondent No.1 to explore the possibility of a settlement..

2. Learned Advocate for the management submits on instructions, as under:-

(a) The petitioner has already implemented the impugned judgment of the School Tribunal by reinstating the original appellant on 23.1.1998.

(b) Though the Education Officer has granted approval from the date of the judgment of the School Tribunal, the appellant can raise the grievance before the said authority as regards the date of approval.

(c) The backwages calculated from July 1994, as per the particular scale given to the appellant, would be about Rs.1,75,853/-, as against the exaggerated calculations of the appellant.

(d) The management is willing to pay 50% of the backwages so as to bring this litigation to an end. If the appellant is not agreeable, the management has no difficulty in pursuing this petition.

3. Learned Advocate for the appellant submits, on instructions, as under:-

(a) The quantum of backwages may be decided by this Court and the appellant would be agreeable.

(b) Since the appellant has been granted continuity in service by the School Tribunal, the approval should have been granted from the date of continuity granted by the Tribunal.

(c) There is a shortfall in the payment of his salary after his reinstatement and the said issue needs to be resolved.

4. Considering the above, I suggested to the learned Advocate for the management that a lump-sum amount of backwages of Rs.1,00,000/- may be paid to the appellant considering the chart placed on record by the management. Learned Advocate for the management has graciously agreed, on instructions.

5. In view of the above, the chart submitted by the management is taken on record and marked as Exhibit "X" for identification and the management would pay an amount of Rs.1,00,000/- to respondent No.1 / appellant, within six weeks from today. Since,

this amount is acceptable to the original appellant, it would lead to the disposal of this petition.

6. In view of the above, this petition is disposed off with the understanding between the parties and the impugned judgment shall stand complied with in view of the above.

7. In so far as the approval granted by the Education Officer (Secondary) is concerned, he is directed to correct the date of the approval and shall proceed to grant approval to the service of the appellant with effect from 30.4.1994, unless there is any legal impediment.

8. In so far as the grievance of the appellant that he was not paid salary as per appropriate scales from 1998 is concerned, he would be at liberty to address a detailed representation to the Secretary of the petitioner / management, within a period of four weeks from today. The management would consider the representation in the light of its records. If required, the Secretary or the Governing Council of the Management may permit the appellant to address them in a personal hearing. If the management is convinced, it would forward a bill to the Education Officer (S). In the event the management is not convinced, it would forward the representation of the appellant along

with its minutes of meeting / discussion / explanation and the Education Officer (S) would thereafter, cause a proper enquiry and pass a reasoned order. Needless to state, any party aggrieved by the order of the Education Officer would be at liberty to take recourse to the remedy as may be permissible in law.

9. After the amount is deposited, the appellant is permitted to withdraw the said amount from this Court under identification by the learned Advocate and by placing on record his recent photograph, copy of the Election Commission's Voter ID Card and his present address proof.

(RAVINDRA V. GHUGE, J.)

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akl/d