

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4376 OF 2018

1. Shrigonda Taluka Krishi Seva Sangh
At and Post Chikhali, Tq. Shrigonda,
Dist. Ahmednagar, through its President
Shri Ashok Shankarrao Karle,
Age 63 years, Occ. Agriculture
R/o Chikhali, Tq. Shrigonda,
Dist. Ahmednagar,

2. Bibishan Raghunath Parkale
Age 431 years, Occ. Service
Head Master of the Mhase
Secondary School at Mhase,
Tq. Shrigonda, Dist. Ahmednagar.

..Petitioners

Versus

1. The Education Officer (S),
Zilla Parishad, Ahmednagar,
District Ahmednagar.

2. Arun Bhausahab Karlekar
Age 50 years, Occ. Agriculture
R/o Chikhali, Tq. Shrigonda,
Dist. Ahmednagar,

3, Anil Eknath Shinde
Age 32 years, Occ. Service
R/o Mhase, Tq. Shrigonda,
Dist. Ahmednagar,

..Respondents

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Advocate for Petitioners : Shri Hon V.D. Sr. Advocate
i/b Shri Hon A.V.

AGP for Respondent 1 : Shri Bhagat N.T.

Advocate for Respondent 2 : Shri Golewar V.P.

Advocate for Respondent 3 : Shri Jadhav V.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: January 08, 2019

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ORAL JUDGMENT:-

1. I have heard the learned Sr. Advocate Shri Hon on behalf of the petitioner / institution, the learned AGP on behalf of respondent No.1 and the learned Advocates for respondents 2 and 3.

2. Though the litigating sides have canvassed their grounds, the fact remains that the petitioner / management went unrepresented before the School Tribunal, which delivered the impugned judgment dated 14.3.2018, allowing appeal No.43 of 2016 filed by respondent No.2 / original appellant. The explanation tendered by the Sr. Advocate is that as the Chairperson of the institution was undergoing medical treatment, the proceedings before the School Tribunal were inadvertently lost sight of. The management gains no advantage by overlooking the pending proceedings. It can have no ulterior motives in not participating in the said proceedings since it would be the sufferer. On instructions, it is submitted that if some costs are imposed and the proceedings are made time bound, the management would diligently participate in the said proceedings.

3. Learned counsel for the appellant has opposed the request of the petitioners on the ground that satisfactory reasons are not assigned for its non-participation. The appellant would suffer manifest inconvenience and grave hardships as he is out of employment from

20.12.2007. He, therefore, prays for the dismissal of this petition with costs.

4. I find that the appellant had initially approached the Industrial Court by filing Complaint (ULP) No.96 of 2007. The said complaint was dismissed by judgment and order dated 8.10.2012. The appellant then approached this Court by filing Writ Petition No.4642 of 2013, which was disposed off on 10.8.2015 since the appellant was terminated from employment on 20.12.2007. All contentions of the litigating sides were kept open for the School Tribunal to consider. It, therefore, cannot be ignored that though the appellant was terminated on 20.12.2007, he continued to press his claims in Complaint (ULP) No.96 of 2007, which was dismissed 5 years later on 8.10.2012.

5. In view of the above, this petition is partly allowed. The impugned order passed by the School Tribunal dated 14.3.2018 is quashed and set aside. Appeal No.43 of 2016 is restored to the file of the School Tribunal at Solapur on the following conditions:-

(A) All the litigating sides shall appear before the School Tribunal on 1.2.2019.

(B) The petitioner / management shall deposit an amount of Rs.50,000/- before the School Tribunal on 1.2.2019, failing which this order shall stand recalled and the earlier

judgment of the Tribunal dated 14.3.2018 shall stand restored.

(C) The appellant shall withdraw the said amount of Rs.50,000/- towards costs, without conditions.

(D) The petitioner / management shall file it's written statement, either jointly or individually on behalf of respondents 1 and 2, before the School Tribunal, on/or before 8.2.2019.

(E) The School Tribunal shall, thereafter, proceed to decide Appeal No.43 of 2016 as expeditiously as possible and in any case on/or before 31.12.2019.

(F) Needless to state, all the contentions of the litigating sides are kept open for consideration.

6. Rule is accordingly made absolute.

(RAVINDRA V. GHUGE, J.)

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