

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9024 OF 2019

Parimal Shikshan Prasarak Mandal & Anr. ...Petitioners

Versus

Pralhad Uttamrao Mugale & Ors. ...Respondents

.....

Mr. S.A.Patil, Advocate holding for Mr. V.D.Salunke
Advocate for the Petitioner.

Mr. R.J.Godbole, Advocate for the Respondent No.1.

Mr. N.T.Bhagat, A.G.P. for Respondent No.2.

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 24-07-2019.

PER COURT :

01. The petitioner management is aggrieved by the Order dated 8.4.2019 passed by the School Tribunal, Latur by which his application seeking condonation of delay No. 13/2015 has been allowed on the condition that he would not be entitled to back wages, if he succeeds in the appeal, for the period from the date of application till the date of the Order.

02. This issue is no longer *res integra* having been dealt with in view of the Judgment delivered by this Court dated 31.8.2016 in the matter of **Anand Vitthal Shinde V/s**

Rajarshee Shahu Shikshan Prasarak Mandal in WP No. 2314 of 2016.

03. The original appellant has approached the School Tribunal on 16.9.2015 for challenging his purported termination dated 27.6.2013. The management contends that the appellant has resigned.

04. The learned Advocate for the petitioner submits that the School Tribunal has observed that the appellant would not be entitled for back-wages from the date of the application till the date of the Order of the Trial Court. I find this direction to be contrary to the Law laid down by this Court in the above referred Judgment. In such matters, the delay caused in challenging the termination is the period for which the employee should be deprived of the back-wages and not from the date of application. The appellant claims to be terminated on 27.6.2013. He has filed his application on 21.9.2015. If he succeeds in the appeal, he can not be granted back-wages for the period of 2 years and 3 months, which delay is attributable to his conduct.

05. This petition is therefore, partly allowed. Though the impugned Order of the School Tribunal allowing the application for condonation of delay is maintained,

the direction at clause 2 and 3 shall stand modified. The appellant would be deprived of the back-wages only, from 27.6.2013 till 21.9.2015 and he shall furnish an undertaking to that effect before School Tribunal.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-