

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2057 OF 2019

IN

WRIT PETITION NO. 916 OF 2019

Rajendra Madhukar Gaikwad ... Applicant.

In the matter between :

Rajendra Madhukar Gaikwad ... Petitioner.

V/s.

Chare Education Society & Ors. ... Respondents.

Ms. Vrushali L. Maindad, Advocate for the Applicant/
Petitioner.

Mr.L.S.Deshmukh, Advocate for Respondent Nos. 1 & 2.

Mr. C.D. Mali, AGP, for the State- Respondent No.3.

CORAM : UJJAL BHUYAN, J.

DATE : OCTOBER 22, 2019.

PC :

1 Heard Ms. Vrushali Maindad, learned counsel for Applicant / Petitioner, Mr.L. S.Deshmukh, learned counsel for Respondent Nos.1 & 2 and Mr. C.D.Mali, learned AGP for Respondent No. 3.

2 Case of the Applicant is that he was appointed as Junior Lecturer in Saraswati Junior College belonging

to Respondent Nos. 1 and 2 w.e.f. 01.07.2009 to till 28.07.2016 when he was verbally told not to come to the Junior College. Applicant insisted for order in writing which was declined. Applicant also insisted for payment of arrears of salary for the period he rendered services, as the same was not paid to him. This was also declined. At that stage, Applicant preferred Appeal No. 48 of 2016 before the School Tribunal, Pune Region, Solapur (School Tribunal). However, vide order dated 31.08.2018, the Appeal was dismissed.

3 Aggrieved by such order, related writ petition has been filed i.e. writ petition no. 916 of 2019. This court by order dated 26.06.2019, had admitted the writ petition and passed an interim order to the effect that the post which was held by the applicant should not be filled up without prior permission of the court and if any appointment had already been made, the same would be subject to outcome of the writ petition.

4 Thereafter, the present civil application has been filed, seeking a direction to the Respondents to pay an amount of Rs.13,31,818/- to the Petitioner on account of arrears of his salary.

5 The relief sought for in the present civil application cannot be granted at this stage for more than one reason. Firstly, this court while admitting the related writ petition had granted limited interim relief, as already indicated above. Secondly, acceding to the relief sought for by the Applicant, would virtually amount to granting the main relief sought for in the writ petition, which may not be granted at the interim stage. Payment of outstanding salary to the Applicant would be dependent upon outcome of the writ petition.

6 Considering the above, court finds no merit in the civil application, which is accordingly dismissed.

(UJJAL BHUYAN, J.)

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