

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

Civil Application (CAW) No. 609 of 2020 in Writ Petition No. 1929 of 2017

Chakradhar Swami Shikshan Sanstha Vs. The Deputy Director of Education & Ors.

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

Court's or Judge's orders

Mr. A.D. Mohagaonkar & Ms. Meghana Munshi, Adv. for the petitioners
Mr. K.L. Dharmadhikari, AGP for the respondents No.1 and 2.
Ms. Preeti Rane, Advocate for the respondent No.3.

CORAM : MANISH PITALE, J.

DATED : MARCH 05, 2020

This writ petition was fixed today for final hearing, but, due to paucity of time, the writ petition could not be taken up for hearing. The learned counsel appearing for the petitioners submitted that there was a grave urgency in the matter because the Contempt Petition filed by respondent No.3 is pending before the Co-ordinate Bench of this Court. The said Contempt Petition is listed on 9th March 2020.

2. This Court has perused the earlier orders passed in the present writ petition, which show that interim relief was specifically rejected by this Court while Rule was granted. The petitioners had challenged the order rejecting the interim relief before the Hon'ble Supreme Court and a Special Leave Petition filed by the petitioner was dismissed, thereby

showing that this Court as well as the Hon'ble Supreme Court concurrently found that the petitioners doesnot deserve interim relief in their favour.

3. In this situation and looking to the urgency as claimed by the petitioners, they moved an application for early hearing of the present writ petition. After considering the submissions of rival parties, this Court allowed the application for early hearing on the condition that the petitioner – Management shall deposit 50% of the back wages i.e. Rs.17,00,000/- in this Court. It is undisputed that the said amount has been deposited in this Court by the petitioners. It is in this backdrop, the respondent No.3 has moved Civil Application No. 609/2020 for permission to withdraw the aforesaid amount deposited by the petitioners. It is specifically submitted by the learned counsel appearing for the respondent No.3 that the said respondent had been waiting for enjoying the fruits of the impugned judgment and order passed in his favour and that despite absence of any interim relief in favour of the petitioners, he has been deprived not only of monetary benefits, but, also pension since he has now retired.

4. Taking into consideration the above mentioned situation, this Court is of the opinion that the present application filed by respondent No.3 deserves to be allowed.

5. Accordingly, Civil Application No. 609/2020, is allowed and respondent No.3 is permitted to withdraw the amount deposited by the petitioners in pursuance of order dated 30/01/2020, with accrued interest, if any.

6. It is made clear that withdrawal of the said amount shall be subject to final result of the present writ petition.

7. It is also made clear that the petitioners and all concerned parties shall make sure that the steps required for processing the papers for disbursal of pension are taken expeditiously.

8. List this writ petition for final hearing on **2nd April 2020 at 2.30 p.m.**

JUDGE