

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

CIVIL APPLICATION No.63 of 2020
with
CIVIL APPLICATION 721 OF 2015
with
CIVIL APPLICATION 2482 OF 2017
with
CIVIL APPLICATION 2483 OF 2017
IN
WRIT PETITION NO. 6561 OF 2014

(The New Education Society & anr..vs.. The EO (Secondary), ZP, Yavatmal & ors)

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

Court's or Judge's orders.

Shri A.J. Gilda, Advocate for applicants.
Shri A.A. Madiwale, AGP for respondent No.1.
Shri S.S. Shingane, Advocate for respondent No.2.
Shri T.S. Kene, Advocate for respondent No. 3.

CORAM: RAVINDRA V. GHUGE, J.
DATE: 10th JANUARY, 2020.

CIVIL APPLICATION No.63 of 2019

1. The respondent No. 2, original appellant, prays for an out of turn final hearing in this matter considering that he is about 60 years of age and has crossed the age of superannuation.

2. The learned Advocate for the Management does not oppose.

3. Stand over to 27.2.2020 for final hearing. At the request of the original appellant, record and proceedings in

Appeal 68 of 2012, decided on 30.10.2014, be called for from the School Tribunal, Amravati.

4. The appellant seeks Hamdust to fetch the record. Request accepted.

CIVIL APPLICATION 721 OF 2015

5. I have considered the submissions of the learned Advocates for the respective sides. Since the petition is taken up for final hearing on 27.2.2020, notwithstanding, the earlier order of this Court, I deem it appropriate to allow this Civil Application so that the pleadings in the petition paper book would be complete.

6. The Civil Application is therefore, allowed. Appropriate amendment shall be carried out by the petitioner in the Memo of Petition and the freshly typed Memo of the Petition shall be tendered on or before 24.1.2020. The respondents are at liberty to enter their additional affidavits to counter the amended portion, on or before 7.2.2020, by filing their additional affidavit with appropriate pagination in continuation to the paper book.

CIVIL APPLICATION 2482 OF 2017

7. Civil Application No. 2482 of 2017 filed by the original appellant, carries a prayer that the employer should be directed to calculate the back wages properly and deposit

the residual amount in this Court.

8. I find that the petitioner Management has also deposited an amount of Rs. 5,94,565/- in this Court pursuant to the order dated 2.3.2016. The Civil Application is therefore disposed off since the appropriate calculation of back wages can be considered by this Court while deciding the Writ Petition, finally.

CIVIL APPLICATION NO. 2483 OF 2017

9. Civil Application 2483 of 2017 has been filed by the original appellant seeking a direction that the Management should deposit the entire back wages. The appellant has superannuated from employment and vide order dated 2.3.2016, passed by this Court earlier, the Management was directed to deposit entire back wages. There appears to be a dispute between the management and the appellant as regards the quantum of the back wages. As such, this Civil Application is disposed off and the said issue would be considered while deciding the Writ Petition.

(Ravindra V. Ghuge, J.)