

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3903 OF 2019

RAJMATA SHIKSHAN PRASARAK MANDAL DOITHAN THROGH
SECRETARY AND ANOTHER
VERSUS
SANJAY SURYABHAN GAIKWAD AND OTHERS

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Advocate for the Petitioners : Ms.Bhale Kavita S.
AGP for Respondents 2 and 3 : Shri P.G. Borade
Advocate for Respondent 1 : Shri R. I. Wakade

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 15th February, 2022

Per Court:

1. In furtherance of the order passed on 27.01.2022, Mr.Shivaji Danave, Headmaster of the school, who is impleaded as petitioner No.2 in this petition, is present before this Court. Mr.Shivaji Danave has been identified by the Court Shirestedar on tendering his Adhar Card.
2. The petitioners have challenged the order passed below exhibit 11 in the Execution Petition No.3/2018 filed by the respondent No.1/ employee seeking execution of the order passed by the School Tribunal on 15.06.2016 in Appeal No.41/2015 instituted by him challenging his termination.
3. Pertinent to note that on an appeal being instituted by respondent No.1, the School Tribunal on 15.06.2016 partly allowed the

appeal by quashing and setting aside the order of termination. The reinstatement, which was granted during the pendency of the appeal, was confirmed and the direction was further issued to the effect that the petitioners i.e. Management and School shall pay the full back wages and salary of respondent No.1/ employee from the date of termination till the date of his reinstatement. It was also made clear by the School Tribunal that respondent No.1/ employee is entitled for the amount of back wages and salary out of non-salary grants payable to the petitioners/ Management.

4. In the execution proceedings filed by respondent No.1, on 01.02.2019, the specific direction was issued to the following effect :-

“The respondent Nos.1 and 2 are directed to pay the calculated back wages amount of Rs.4,12,094/- (Rupees four lacks twelve thousand ninety four only) to the applicant within three weeks from the date of this order.

If respondent Nos.1 and 2 failed to comply above direction, then the respondent Nos.3 and 4 are directed to deduct the amount of back wages, out of non salary grants, payable to the respondent Nos.1 and 2, up to calculated amount of Rs.4,12,094/- (Rupees four lacks twelve thousand ninety four only) and to see that there is a complete compliance of the judgment and order, passed by this Tribunal in Appeal No.41/2015.”

This order is assailed in the present Writ Petition.

5. On 27.03.2019, recording a prima facie opinion that the back wages liable to be paid to respondent No.1, were for the period of three

months since other back wages are already paid, the interim relief was granted by this Court.

6. During the course of hearing of this petition, the learned counsel for respondent No.1 has produced on record the compilation of documents including the chart indicating detailed salary grant bills for the period 01.04.2012 to 31.12.2019, which gives details of the salary paid to respondent No.1. From this chart, it can be seen that from the month of July, 2015 upto 15.03.2016, there is no payment made out of non-salary grants payable to the petitioners.

When confronted with the said chart, the learned counsel for the petitioners, in the presence of the Headmaster, who is present in the Court, categorically makes the statement that the amount has not been paid, but if some time is granted, the amount as directed in the execution petition by order dated 01.02.2019 shall be disbursed within a period of three months.

7. The statement made by the learned counsel for the petitioners is accepted as an undertaking given to this Court and three months' time is granted to make the payment of Rs.4,12,094/- to respondent No.1/employee and this payment shall be made in three equal installments.

It is made clear that if the petitioners fail to abide by the said undertaking given to this Court, the Management as well as the Headmaster shall face serious consequences including action to be

initiated under the Contempt of Courts Act.

8. In the wake of the statement of the petitioners that they will clear the amount of back wages as determined vide the order 01.02.2019 in three equal installments, nothing survives in this petition and the same is, accordingly, disposed of.

kps

(SMT. BHARATI H. DANGRE, J.)