

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

CIVIL APPLICATION (CAW) NO. 1147 OF 2022
IN
WRIT PETITION NO. 1966 OF 2022

Jyoti Shikshan Prasarak Mandal & Anr. Vs. Gajanan Tamaskar & Ors.

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

Court's or Judge's orders

Mr. C.A. Joshi, Advocate for Applicants / Petitioners
Mr. V.A. Kothale, Advocate for Respondent No.1
Mrs. Sangeeta Jachak, AGP for Respondent Nos.2 & 3

CORAM : MANISH PITALE, J.

DATE : 06th JUNE, 2022

This is an application filed on behalf of the petitioner – Management for relaxation of condition of deposit of amount of 25%, as directed by this Court in the order dated 19/04/2022.

2. By the said order, while issuing notice in the present writ petition, it was made clear that issuance of notice was subject to the petitioner – Management depositing 25% of the salary of the respondent No.1 from the date of termination of the service, till the date of superannuation in this Court within a period of two weeks. It was further made clear that notice would be issued only if the said amount is

deposited and an affidavit of compliance is filed. It is further clarified that if the amount is not deposited, the petition shall stand dismissed without reference to the Court. Liberty was also reserved to the petitioner – Management to move an appropriate proposal to the Education Department for releasing the salary grant and if such proposal is forwarded, the same shall be decided within eight weeks from the date of the receipt of the proposal.

3. Instead of complying with the said order, the petitioner – Management moved the present application on 01/05/2022. It is contended by Mr. Joshi, learned counsel for the applicants that since the present application was moved within two weeks from the date of the order dated 19/04/2022, direction in the said order that the petition would stand dismissed without reference to the Court, in case of failure of depositing amount within two weeks, would not operate. This Court is not in agreement with the said contention raised on behalf of the applicants / petitioners.

4. In the present application, the applicants claimed that they do not have funds to make the deposit as directed by this Court. There is no dispute about the fact that the respondent – employee did work for the aforesaid period and that he was paid only 75% of the salary. In these

circumstances, this Court is not inclined to entertain the present application and accordingly, it is dismissed.

5. At this stage, the learned counsel for the applicants / petitioners submitted that further time may be granted for depositing amount, as directed in the order dated 19/04/2022, so that the petition could be at least considered by this Court on its own merits.

6. By way of indulgence, this Court grants time till 15/06/2022, to the petitioner – Management to deposit the amount in this Court, as directed by order dated 19/04/2022.

7. It is made clear that failure on the part of the petitioner to deposit the said amount would lead to dismissal of the petition without reference to the Court, as already stipulated in paragraph 5 of the order dated 19/04/2022. Liberty reserved to the petitioner – Management in para 6 of the order dated 19/04/2022, is reiterated.

8. List for further consideration along with Writ Petition No. 3308 of 2021, on 24/06/2022.

JUDGE