

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15068 OF 2022

K K Wagh Education Society

Through its President

Shri. Sameer Balasaheb Wagh & Ors.

...Petitioners

Versus

Kailash Sampatrao Deshmukh & Anr.

...Respondents

...

Mr. P. B. Shah a/w Mr. Gunjan Shah i/by Mr. Sandeep Waghmare, for
Petitioners.

Mr. Bhushan A. Bandiwadekar, for Respondent No.1.

Mrs. V.S. Nimbalkar, A.G.P. for Respondent No.2.

...

CORAM : SANDEEP V. MARNE, J.

DATE : OCTOBER 17, 2023.

P.C.:

1. The challenge in the present Petition is to the order dated 24 August 2022 passed by the School Tribunal. The operative portion of the order of the School Tribunal reads thus:

- “ 1. Present Appeal is allowed.
2. The termination of services of appellant vide order dated 27.07.2016 issued by respondent management, is hereby quash and set aside.
3. The respondent management are directed to pay full back wages to the appellant along with all other benefits attached to the said post at the time of his retirement.

4. As per Section 11 (2) of the MEPS Act, the respondent Nos.1 to 3 are directed to prepare the pension case of appellant and forward the same to the concerned department. If they failed, the Deputy Director of Education Nashik (Respondent No.4) shall take appropriate steps for preparation of pension case of appellant.
5. The above order be communicated to both parties in writing as per sub-section (4) of Section 11 of MEPS Act 1977.
6. The respondent management shall comply this order within 40 days.
7. Both the parties shall bear their own costs.”

2. Mr. Shah, the learned counsel appearing for Petitioner would submit that the Respondent No.1 has attained the age of superannuation and has retired from service on 31 July 2016. The amount of backwages arising out of the period from 27 July 2016 to 31 July 2016 have already been paid to Respondent No.1.

3. He would further submit that the proposal for payment of pension to Respondent No.1 has already been sent to the Deputy Director of Education on 28 August 2023. He would submit that the said proposal is pending consideration.

4. In that view of the matter, nothing further needs to be adjudicated in the present Petition. Mr. Shah would express an apprehension that the Respondent No.1 has initiated contempt proceedings for non implementation of order of the School Tribunal. Since the amount of backwages is already paid

and proposal for payment of pension is already submitted to the Deputy Director of Education, Nashik, it cannot be said that the Petitioners have violated the order passed by the School Tribunal.

5. Accordingly the present Petition is disposed of with a direction to the Deputy Director of Education, Nashik to take decision on the proposal sent by the Petitioner-Management within a period of eight weeks from today. Once the proposal is sanctioned, the amount of arrears of pension and pensionary benefits shall be paid to Respondent No.1 within a period of eight weeks from the date of sanction of proposal.

6. With the above directions, Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)