

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

WRIT PETITION NO. 3687/2021

(VEENA PRADIP WANKHADE & ORS **VERSUS** SANT GADGE BABA AMRAVATI UNIVERSITY & ANR)

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

Court's or Judge's order

Shri A.C. Dharmadhikari, counsel for the petitioners.

Shri J.B. Kasat, counsel for the respondents.

CORAM : A. S. CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 01, 2023.

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RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioners are the legal heirs of Pradip Wankhede (for short, 'the employee') who was appointed as 'University Engineer' with the respondent no.1- Sant Gadge Baba Amravati University, Amravati (for short, 'the University') on 02.11.1988. During the course of service, an enquiry was held against him pursuant to which the punishment of removal from service was imposed on 11.04.2000. The said order of punishment was challenged before the University and College Tribunal, Nagpur. During pendency of that appeal, the University unconditionally withdrew the order dated 11.04.2000 as a result of which the appeal was disposed of on 19.10.2000 as having been rendered infructuous. Thereafter the University passed another order of removal on 08.11.2000. The subsequent order of removal dated 08.11.2000 was thus challenged by the employee in Writ Petition No. 3105 of 2004. By the judgment dated 21.06.2018 while allowing the said writ petition, the following operative order was passed:-

"14. In the result, writ petition is allowed. The impugned order passed by the University And College Tribunal dated 15.09.2003 and also the order dated 08.11.2000 passed by the University are hereby quashed and set aside. The order passed on 4.10.2000 withdrawing the first order of termination dated 11.04.2000 is hereby confirmed. Consequential benefits be accordingly made over to the legal representatives of the petitioner, as per Rules within six months from today. Rule is made absolute in the above terms. No costs."

3. Consequent upon the said adjudication, the University on 27.08.2018 treated the employee in service from 04.10.2000 to 31.01.2014 but refused to grant any back wages and allowances to him. This was on the premise that such benefit had not been granted while allowing Writ Petition No. 3105 of 2004. Pursuant to the order dated 17.08.2022 passed in the present writ petition that has been filed for challenging the order dated 27.08.2018 by which the University refused to grant arrears of back wages, leave was granted to the petitioners to approach the learned Single Judge for seeking clarification of the judgment dated 21.06.2018. By the order dated 14.02.2023 the application was disposed of by stating that the petitioner was entitled for all service dues including the arrears of salary.

4. In view of aforesaid clarification, the learned counsel for the University had on 10.03.2023 sought time to obtain the instructions from the University. He submits that till date there are no further instructions received by him.

5. With the clarification issued by the learned Single Judge dated 14.02.2023 it becomes clear that the employee is entitled for the arrears of salary and all other benefits consequent upon setting aside the order dated 08.11.2000. Accordingly, the following order is passed:-

(I) The order dated 27.08.2018 (Annexure-C) is quashed and set aside. Similarly, the order dated 08.01.2021 (Annexure-L) to the extent it refuses the arrears of salary of the employee for the period from 04.10.2000 to 31.01.2014 stands quashed.

(II) In terms of the adjudication of Writ Petition No. 3105 of 2004, the University shall pay the petitioners, who are the legal heirs of the employee, the arrears of salary from 04.10.2000 to 31.01.2014 alongwith all consequential benefits flowing therefrom within a period of six weeks of receiving the copy of this order. Failure to make the aforesaid payment within the said period would require the University to pay the amount of arrears of salary alongwith interest at the rate of 5% per annum till realization.

(III) In case the amount of family pension payable to the petitioners is liable to be revised in view of aforesaid, needful shall be done by the University within a period of eight weeks of receiving the copy of this order.

6. The writ petition is disposed of in aforesaid terms. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

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