



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

963 WRIT PETITION NO. 10481 OF 2024

SUNANDA VISHNUPANT TIDKE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

AND

983 WRIT PETITION NO. 2163 OF 2022

SHRIHARI RAMRAO DHOND

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

**CIVIL APPLICATION NO. 9634 OF 2024
IN WP/2163/2022**

UMESH CHANGDEV MUNDHE AND OTHERS

VERSUS

SHRIHARI RAMRAO DHOND AND OTHERS

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Ms Vishakha Patil, Advocate h/f Talekar and Associates
Mr G. V. Wani, Advocate h/f Mr. S. S. Randhiv, Advocate for the
Petitioners in respective Petitions.

Mr. V. M. Kagne, Ms Neha Kamble, AGPs for Respondent – State
Mr. S. S. Thombre, Advocate for Respondent Nos. 4 to 6 in
WP/2163/2022

Mr. S. S. Rathi, Advocate h/f Mr. S. S. Jadhavar, Advocate for the
Applicants / intervenor in CA/9634/2024 in WP 2163/2022

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.09.2024

PER COURT :-

1. Considering that the learned Member of the coordinate Bench has recused from hearing these matters, that these matters are listed before us.

2. On 01.08.2024, the coordinate Bench of this Court had passed the following order:-

“Heard both the sides.

2. An innocuous order to the respondent – Joint Director (Higher Education) passed by the University and College Tribunal initially fastening the liability to pay to the petitioner arrears of salary due for the period he was under suspension and in the event of failure of the management to pay, expecting the Joint Director, to take steps for making necessary deductions from the grant payable to the respondent – College, is not obeyed by the Joint Director.

3. We are taken by surprise by the manner in which again the affidavit in reply is filed by the Joint Director (Higher Education). He seems to be clearly oblivious of the responsibility pursuant to the directions of the Tribunal.

4. More importantly, the petitioner had filed a contempt proceedings before the University and College Tribunal wherein even the present Joint Director was a party. Though he was apparently excluded, as per the directions of the University Tribunal in the original judgment and order, he was held liable and responsible to make necessary recovery of the amount for being paid to the petitioner, on failure of the management.

5. Expecting that a good sense would prevail with the respondent no. 5, we direct him to take appropriate steps in the light of clauses (v) and (vii) of the operative part of the judgment and order of the University and College Tribunal dated 29-10-2020. We adjourn the matter to 29-08-2024.

6. If no progress is made by the Joint Director by then, we may be constrained to initiate a contempt proceedings.”

3. Pursuant to the above, Respondent No.5 has initiated steps in order to satisfy the directions set out in clauses (v) and (vii) of the operative part of the judgment of the University and College Tribunal, dated 29.10.2020. An amount of Rs.61,16,579/- was deposited in the account of the Petitioner/Appellant in the first Petition, who has succeeded before the University and College Tribunal. The Writ Petition filed by the management for assailing the order of the Tribunal, has been dismissed on merits. A review Petition is pending.

4. The common grievance of the Petitioner in the second Petition and the Applicants in the Application is that in order to satisfy the claim of the original Appellant before the College Tribunal, the Education Authorities complied with the order dated 01.08.2024, passed by the coordinate Bench and diverted the salary grants of the institution towards the payment of the arrears to the original

appellant. Consequentially, the Applicants and the Petitioner in the second Petition, have not been paid their salaries for the month of August payable in the month of September. They express serious apprehension that their salaries for the month of September, payable in October, will not be paid since the Joint Director has issued an order, directing the authorities to first clear the dues of the original Appellant.

5. It is obvious that this situation has arisen because the management, despite suffering an adverse order before the University and College Tribunal and before the learned Single Judge before whom its Writ Petition was dismissed, has not paid the dues of the original Appellant.

6. In view of the above, we direct the Education Authorities / State, to ensure that the salaries of these Applicants, i.e. all the teaching and non-teaching staff, shall be paid by generating funds within 15 days from today. So also, the State is at liberty to initiate steps for the recovery of the amounts paid to the original Appellant, from the coffers of the management, in the light of the order of the University and College Tribunal, which has been

sustained by the learned Single Judge Bench, and more specifically in the light of the order of the co-ordinate Bench of this Court dated 01.08.2024.

7. The learned Advocate Mr. Thombre, appearing for the management submits that the original Appellant has initiated proceedings for disobedience of the order of the Tribunal and the same is pending.

8. The learned Advocates for the co-employees submit that such proceedings are meant for punishing the management for disobedience and under the scheme of the act, the punishment could be in the nature of imposing penalty of Rs.500/- per day. We do not wish to comment on this aspect, since the co-ordinate Bench has already passed an order and the said order still stands.

9. **The Civil Application stands disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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