



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 15838 OF 2023

PRANITA VENKATRAO SURYAWANSHI

VERSUS

SECRETARY JYOTIRLING SHAIKSHANIK SAMAJIK SEVABHAVI
SANSTHA AND OTHERS

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Advocate for the Petitioner : Mr. Manale Satish S.

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CORAM : S. G. MEHARE, J.

DATE : 13.02.2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. A small issue is about the leave to withdraw the amount deposited by the Management towards the arrears of back wages.
3. The case history in brief was that the School Tribunal had passed the order in favour of the present petitioner. However, it was challenged by Writ Petition No.9113 of 2022. Considering the rival submissions, this Court by order dated 03.10.2022 allowed the Writ Petition of the Management subject to the costs of Rs.50,000/- and directed to deposit Rs.1,00,000/- (i.e. 25% amount as per their undertaking) in the Tribunal. Remitted matter to the Tribunal for a fresh decision.

4. Learned counsel for the petitioner submits that after the order of this Court in the above Writ Petition, the matter was considered on merits. The Tribunal again passed an order in favour of the petitioner and maintain the order of reinstatement with 100% back wages. During this process, the petitioner has received the cost of Rs.50,000/-. However, he did not apply for the withdrawal of amount of Rs.1,00,000/- deposited by the Management, as per the order of this Court. Besides this amount of Rs.1,00,000/-, the Management had also deposited Rs.75,000/-. In this way, the amount of Rs.1,75,000/- is lying with the learned Tribunal. After the matter was decided on merits, the petitioner had applied for withdrawal of the said amount. However, the learned Tribunal observed that this Court in Writ Petition has allowed the petitioner to withdraw the amount of Rs.50,000/- only from the amount of Rs.1,00,000/-. He has no directions to release the entire amount. Hence, he rejected the application.

5. This seems to be a matter that could be disposed of without notice at the admission stage.

6. The amount deposited in the Tribunal was towards the arrears of salary. The second judgment of the Tribunal is also similar to the earlier judgment of reinstatement with full back

wages. The amount of Rs.1,75,000/- lying with the Tribunal is towards the arrears of salary. Hence, the petitioner is entitled to withdraw the amount. If the judgment of the Tribunal about the reinstatement with full back wages is reversed, such amount be adjusted in future. Therefore, there is no harm to allow the petitioner to withdraw the said amount.

7. Hence, the Writ Petition is allowed.

8. The order below Exh.62, dated 27.10.2023, passed in M.A.No.20 of 2016 by the learned School Tribunal, Latur is quashed and set aside.

9. Application for withdrawal of the amount of Rs.1,75,000/- is allowed.

10. The learned Tribunal is directed to release Rs.1,75,000/- to the petitioner with an undertaking that he would either deposit the amount or adjust the said amount towards his future salary subject to the decision by the Appellate Court against the said judgment and order.

(S. G. MEHARE, J.)

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vmk/-