

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3496 OF 2024

Shivnagar Vidya Prasarak Mandal	
Thr. Its Chairman And Anr.	...Petitioners
Versus	
Vikrant Bhausa Pawar And Anr.	...Respondents

Mr.Dilip Bodake for the Petitioners.
Sushant Prabhune for the Respondent No.1

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	16th JULY 2024

P.C.:

1. The Petition questions the order dated 13.12.2023 (page 186) passed by the learned College Tribunal, Pune granting a direction to the petitioners/ management to pay back wages to the Applicant from 01.01.2018 to 15.12.2020. The basic objection raised, to this order, by the learned counsel for the petitioners is that this order has been passed by the College Tribunal, in Miscellaneous Application No.2 of 2018, which was for the execution of the Judgment dated 28.02.2011 passed in Appeal No.2 of 2009 which was at the behest of respondent No.1 and therefore the claim of the respondent No.1 for arrears of back wages, for the period of 1.1.2018

to 15.12.2020, was never adjudicated, in Appeal 2 of 2009.

2. Mr. Prabhune, respondent No.1 fairly concedes, that there is no adjudication of this claim by any of the authorities and not so by the College Tribunal, while deciding the Appeal No. 2 of 2009, in view of which it is apparent, that the learned College Tribunal could not have passed the impugned order in execution proceedings, which lie only for the enforcement of a prior adjudicated claim, which is missing in the instant matter.

3. In that view order of the matter the impugned order dated 13.12.2023 (page 186) cannot be sustained and is hereby quashed and set aside.

4. The petition is accordingly allowed in the aforesaid terms.
No costs.

5. In pursuance to the order dated 1.7.2024 an amount of Rs. 25,23,435/- has been deposited by the petitioners in this Court. It is also contended that the payment for the duration 1.1.2018 to 15.12.2020 also stands paid to the respondent No.1 for which he invites my attention to the chart at page 226, which indicates payment to the respondent No.1 till September 2020. The respondent

No.1 since being again terminated on 15.12.2020 which also has been set aside, by the CT, against which Writ Petition has been dismissed and though notice has been issued in an Special Leave Petition filed by the petitioners, it is stated that the request for stay has been refused as per the statement of Mr. Prabhune, learned for respondent No.1, in light of which the amount of Rs. 25,23,435/- shall be paid over to the petitioners.

(AVINASH G. GHAROTE, J.)

This order is modified as per speaking to the minutes of the order dated 19.07.2024.