

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5171 OF 2024

Matoshri Ramabai Ambedkar Vidyarthi
Vastigrah .. Petitioner

Versus

Bharat S/o. Dhondiba Hambir and Ors. .. Respondents

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• Mr. Thorat Mohanish V., Advocate for Petitioner.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 24, 2024

P.C.:

1. Mentioned. Not on Board. Taken on Board.
2. Heard Mr. Thorat, learned Advocate for Petitioner.
3. Perused the praecipe dated 24.06.2024 and the Writ Petition.
4. The grievance made by the Management of the Institution is that despite the Management was willing to reinstate the workman and abided by orders passed by the School Tribunal dated 26.03.2008, after the date on which his reinstatement took place, immediately the day thereafter, the Respondent stopped attending work which has continued till date.
5. Mr. Thorat would submit that Respondent has subsequently filed execution proceedings and claimed payment and charges for the entire period during which he has remained absent and not worked.

He has informed the Court that until his date of reinstatement immediately after passing of the order by the Tribunal, all payments were duly paid over to him by the Management. He would submit that reinstatement of Respondent took place in the presence of the District Social Welfare Officer and immediately from the following day thereafter he stopped attending work.

6. In this view of the matter, he would submit that Application filed by the Management against the claim sought for by the Respondent No.1 workman for the period he did not work came to be rejected on 06.02.2024. He would submit that the Executing Court is seized with the matter and is now proceeding with execution proceedings against the Management.

7. In view of the facts narrated by Mr. Thorat and also the impugned order, an arguable case has been made out for issuance of notice and stay of the impugned order. However, I need to hear the Respondent No.1 workman in this regard.

8. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve the Respondents a copy of this order and copy of the Writ Petition within a period of one week from today and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are

directed to file Affidavit-in-Reply to the Writ Petition within a period of four weeks from today explaining as to why Respondent No.1 will be entitled to any payment after reinstatement when he has never worked post his date of reinstatement which took place in the presence of District Social Welfare Officer for consideration of the Court. All contentions of parties are expressly kept open to be considered by the Court, including the Respondent No.1 workman.

9. Learned Executing Court is directed not to proceed with the execution proceedings until the present Writ Petition is heard.

10. Stand over to **22nd July, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT

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by HARSHADA
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SAWANT
Date: 2024.06.25
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