

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 26468/2017

(Arising out of impugned final judgment and order dated 02-03-2017 in WP No. 4707/1997 passed by the High Court Of Judicature At Bombay At Aurangabad)

CHANDRAKANT DASHRATH BHARAMBE

Petitioner(s)

VERSUS

RAILWAY NORTH COLONY EDUCATION SOCIETY  
CHAIRMAN & ORS.

Respondent(s)

WITH

W.P.(C) No. 834/2017 (X)

Date : 08-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. R. D. Upadhyay, AOR

For Respondent(s) Mr. Sudhanshu S. Choudhari, AOR  
Ms. Surabhi Guleria, Adv.  
Mr. Yogesh Kolte, Adv.  
Ms. Nandini Singla, Adv.  
Ms. Pushpa Devi Sikri, Adv.Mr. Deepa M. Kulkarni, Adv.  
Mr. Anoop Kandari, Adv.  
Mr. Nishant R. Katneshwarkar, Adv.UPON hearing the counsel the Court made the following  
O R D E R

We are not inclined to interfere in the Special Leave Petition and the Writ Petition. Mr. Sudhanshu S. Choudhari, learned counsel appearing for the respondents showed us Section 11(2)(e) of the Maharashtra Employees of Private Schools

(Conditions of Service) Regulation Act, 1977 ("MEPS Act") which reads as follows :

"Powers of Tribunal to give appropriate relief and direction.

(1) .....

(2) Where the Tribunal, after giving reasonable opportunity to both parties of being heard, decides in any appeal that the order of dismissal, removal, otherwise termination of service or reduction in rank was in contravention of any law (including any rules made under this Act), contract or conditions of service for the time being in force or was otherwise illegal or improper, the Tribunal may set aside the order of the Management, partially or wholly, and direct the Management, -

(a) .....

(b) .....

(c) .....

(d) .....

(e) where it is decided not to reinstate the employee or in any other appropriate case, to give the employee twelve months' salary (pay and allowances, if any) if he has been in the services of the school for ten years or more and six months salary (pay and allowances, if any) if he has been in service of the school for less than ten year, by way of compensation, regard being had to loss of employment and possibility of getting or not getting suitable employment thereunder, as it may specify; or

(f) ....."

While holding that the termination of the services of the petitioner on 9<sup>th</sup> October, 1995 was not justified, the High Court following the above rule directed the Respondent-Management to pay compensation of six months salary along with other allowances as per the Vth Pay Commission recommendations with interest at the rate of 06% per annum.

In order to do complete justice in the matter, notwithstanding the aforementioned rule, we direct the Respondent-Management to pay compensation of 12 months salary instead of six months salary along with other allowances as well as interest as directed by the High Court, within a period of eight weeks from today.

The Special Leave Petition as well as the Writ Petition stand disposed of accordingly.

Pending applications, if any, also stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(KAILASH CHANDER)  
ASSISTANT REGISTRAR