

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4957 of 2014

VILAS VISHNU DEORUKHKAR AND ANR. . . . APPELLANT(S)

VERSUS

MANSI VIJAY KAREKAR NEE NAG. PRAM. DIG. . . . RESPONDENT(S)

WITH

CIVIL APPEAL NO. 5445 OF 2014

SPECIAL LEAVE PETITION(CIVIL)NO. 25050 OF 2017

O R D E R

CIVIL APPEAL NO. 4957 OF 2014

1. Heard learned counsel for the parties.
2. This appeal has been preferred against the order of Bombay High Court dated 18.03.2014 in Contempt Petition No. 2 of 2012 in Writ Petition No. 658 of 2004 convicting the appellants for contempt and sentencing them to suffer simple imprisonment for a period of six months and to pay fine of Rs.2,000/- each.
3. The appellant no. 1 - Vilas Vishnu Deorukhkar is the president of the Society who runs the school and the appellant no. 2 - Smt. Shubhada P. Chincholikar is the Headmistress of the School. The respondent was employed as

a drawing teacher in 1989. Her services were terminated on 14.12.1996. However, the School Tribunal directed reinstatement with back wages which order has become final. The operative part of the Tribunal's order dated 30.06.1997 is as follows:

"1. Appeal is allowed.

2. The impugned order dated 14<sup>th</sup> December, 1996 terminating the services of the appellant is hereby quashed and set aside.

3. It is hereby directed that the Respondent Management shall reinstate the appellant as Asst. Teacher for Drawing subject and shall pay to her all the back wages from the date of termination till the date of reinstatement as may be applicable to Drawing Teacher. The appellant is also entitled to get continuity in service.

4. The back wages pertaining to appellant shall be paid within 40 days from the date of this order by the Management failing which the same shall be deducted from the salary grant which, has become payable or which may become payable to the Institution from the Government and the same shall be paid to the appellant directly".

4. The dispute arises in the course of implementation of the above order. While according to the respondent, she is entitled to regular pay scale for the post of drawing teacher, according to the appellants there is no work for the drawing teacher. The respondent was sought to be accommodated as a physical training teacher but she did not have the qualification for the said post. According to the appellants only a part of the payment admissible to a

drawing teacher can be paid to the respondent.

5. According to the learned counsel for the appellants a sum of Rs.10,00,000/- (Rupees ten lakhs) approximately has already been paid to the respondent and no grant in aid is being paid for this said post.

6. However, according to the respondent a sum of Rs. 44,55,000/- approx. (Rupees forty four lakhs fifty five thousand) more has to be paid.

7. Having regard to the fact that no grant in aid is being paid for the post in question and the fact that a sum of Rs. 10,00,000/- approx. has already been paid to the respondent, there is a serious doubt as to admissibility of claim of the respondent. According to the appellants, the respondent takes only six periods in a week which entitles her to about one-sixth of the total salary which may be admissible to the post of drawing teacher. It is also pointed out that Education Officer has been moved to declare the post surplus. In these circumstances, it cannot be held that there is deliberate disobedience of the order of the Tribunal by the appellants. There is substantial compliance of the said order. Accordingly, we set set aside the impugned order and allow this appeal.

8. The payment already made under interim order of this Court may be treated towards final payment to the respondent.

Civil Appeal No. 5445 of 2014

In view of order passed in Civil Appeal No. 4957 of 2014, no further order is required. The appeal is disposed of accordingly.

Special Leave Petition (Civil)NO. 25050 of 2017

Heard learned counsel for the parties.

This petition has arisen from the interim direction declining to vacate the earlier order which has the effect of requiring the petitioner(s) to make payment of full salary to the respondents. In view of order passed in Civil Appeal No. 4957 of 2014, we set aside the impugned order. The petitioner(s) is not required to pay full salary till dispute which is pending before the High Court is decided finally.

The Education Officer before whom the application of the petitioner(s) is pending may decide the same within a period of three months from today.

The special leave petition is, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
24<sup>th</sup> October, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.3+9

COURT NO.11

SECTION IX

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). 25050/2017  
(Arising out of impugned final judgment and order dated 30-06-2017  
in NOM No. 215/2014 passed by the High Court Of Judicature At  
Bombay)

PRESIDENT/SECRETARY PRADNYA PRABODHINI SANSTHA & ANR.Petitioner(s)

VERSUS

MANSI VIJAY KAREKAR NEE & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.93697/2017-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.93698/2017-EXEMPTION FROM  
FILING O.T.)

With

C.A. No. 4957 of 2014

(Appln. For permission to file additional documents)

C.A. No. 5445 of 2014

Date : 24-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Vinay Navare, Adv.  
Ms. Gwen Kartika, Adv.  
Ms. Abha R. Sharma, AOR

For Respondent(s) Mr. Dilip Annasaheb Taur, AOR  
Mr. Amol V. Deshmukh, Adv.  
Mr. Anil Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

C.A. No. 4957 of 2014

Appeal is allowed in terms of the signed order.  
Pending application(s), if any, shall also stand

disposed of.

C.A. No. 5445 of 2014 and SLP(C)NO.25050/2017

The appeal and the special leave petition are disposed of in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)  
(Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER

ITEM NO.3+9

COURT NO.11

REVISED  
SECTION IXS U P R E M E C O U R T O F I N D I A  
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(MADHU BALA)

COURT MASTER (SH)

(Corrected Signed order is placed on the file)

(PARVEEN KUMARI PASRICHA)

BRANCH OFFICER