

Order below Exh.1
(Passed on:17/03/2026)

- 1) This is an application U/s.11 of MEPS Act, 1977 for execution of the Judgment and Order (Decree) passed by this Tribunal in Appeal No.19 of 2023. To put it clear, by filing this application Applicant/Decree Holder is praying for execution of Judgment and Order regarding reinstatement in service as well as back wages and other consequential benefits. Applicant also prayed for taking action under Contempt of Court Act against Respondents for disobedience of order of this Tribunal.
- 2) According to the Applicant, this Tribunal on 09/04/2025, has pleased to allow Appeal filed by Applicant, under Section 9 of the MEPS Act, 1977 and directed Respondent Nos.1 & 2 to reinstate Applicant to his/her original post along with full back wages and consequential benefits .
- 3) After passing Judgment and order, Applicant immediately informed to Respondents about the same and requested to comply the judgment and order. Respondents have neither reinstated Applicant nor paid amount of back wages. Respondents have not complied the order. Therefore, the order passed by this Tribunal needs to be executed as per the Code of Civil Procedure. Lastly, Applicant prayed for action against Respondents under Contempt of Court Act, and transfer of Decree to Civil Judge, Senior Division, Pimpri Chinchwad as per law for execution.
- 4) Notice of this execution petition was issued to the Respondents. In response to notice of this Execution Petition, Respondent Nos.1 & 2 appeared before this Tribunal and filed say to this Application at Exh.10.

The Respondent Nos.1 & 2 opposed this Application. They have denied contents of the application.

5) According to Respondent Nos.1 & 2, Applicant has prayed for action against Respondents under Contempt of Court Act, but unless and until deliberate disobedience of order is proved, action of under Contempt of Court Act cannot be initiated. Unless there is willful disobedience, contempt jurisdiction cannot be invoked. Respondents have challenged judgment and order passed by this Tribunal before the Hon'ble High Court by filing Writ Petition No.91115 of 2025. Legality, correctness and propriety of judgment and order passed by this Tribunal is subjudice before the Hon'ble High Court. When Respondents have exercised their legal right and challenged judgment and order of this Tribunal, it cannot be said that they have disobeyed the directions in the judgment and order passed by this Tribunal. When judgment and order is under challenge, it cannot be said that Respondents have committed contempt. Judicial propriety demands that parties shall wait till outcome of the proceeding pending before the Hon'ble High Court. Judgment and order passed by this Tribunal is necessary to be executed only by the competent civil court. Contempt jurisdiction cannot be invoked as it is extra ordinary in nature. Filing this application is nothing but an attempt to pressurize the Respondents. Respondents will abide by the final outcome of the proceeding before the Hon'ble High Court. Lastly, Respondents prayed for rejection of the application as same is not maintainable. It is also prayed that this Tribunal may declare that appropriate remedy lies before the competent Civil Court.

6) Despite of notice to Respondent No.3/Administrative Officer, Pimpri Chinchwad Municipal School Board, Pimpri Pune failed to appear before this Tribunal, hence matter proceeded exparte against him.

7) Heard learned counsel for the Applicant Mr.P.S.Kulkarni and learned counsel Mr.S.M.Sansare for the Respondent Nos.1 & 2.

8) At the outset, it is necessary to mention that during arguments, learned counsel for the Applicant fairly submitted that at present he is praying only for transfer of Decree to the Civil Court for execution. He has not pressed his prayer for taking action against Respondents under contempt of court Act. Thus, this Tribunal has to decide that whether it is fit matter to transfer Decree for execution to competent Civil Court. It is settled position of law that when efficacious alternate remedy is available, extraordinary contempt jurisdiction cannot be invoked.

9) It is not disputed that this Tribunal has allowed Appeal No.19 of 2023 and directed the Respondent Nos.1 & 2 / Management to reinstate Applicant to his original post along with full back wages and other consequential benefits. It is also admitted position that, directions given by this Tribunal to the Respondents are not yet complied. It is also admitted position that Respondent No.1 Trust has challenged judgment and order of this Tribunal before the Hon'ble Bombay High Court by filing Writ Petition, but till today Hon'ble High Court has not granted stay to the execution of judgment and order of this Tribunal. So fact remains that, though litigation is pending before the Hon'ble High Court, there is no stay to the execution of the judgment and order of this Tribunal dated 09/04/2025.

10) It is pertinent to note that, 11 months have been lapsed but Respondents have not complied judgment and order. It is well settled that, Under Section 13 of MEPS Act aggrieved teacher/employee has two

remedies. 1)He can file criminal complaint for punishment. 2)He can file execution petition. If he prays for punishment, then he has to go to criminal court, but if he wants to simply execute the order, then he can file execution petition before the School Tribunal. This Tribunal is empowered to execute order passed by it. The order/judgment of this tribunal is Decree. Powers of Civil Court are vested with this Tribunal.

11) At this stage I would like to reproduce observations of Hon'ble High Court in the case of **Mohammad Salam Anamul Haque Vs S.A. Azmi And Ors 2000(87)FLR 414** in paragraph No.11 as under:-

11. Perusal of the above quoted provisions shows that the Appellate Court has been conferred with the same powers and same duties as are conferred and imposed by the Code on Courts of original jurisdiction in respect of the suits instituted therein. It is, thus, clear that the Appellate Court under the Civil Procedure Code has the same powers as the trial Court under the Civil Procedure Code and, therefore, the Tribunal constituted under the Act will also possess all the powers of Civil Court under the Civil Procedure Code. Thus, as the Tribunal possesses all the powers that are conferred by the Code on Courts of original jurisdiction, it can definitely be termed as "Civil Court" and therefore the order made by the Tribunal would be an order within the meaning of Section 2(14) of the Civil Procedure Code. It may be pointed out here that this Court by its judgment in the case of *Janata Janardan Shikshan Sanstha v. Dr. Vasant P. Satpute* 1986 MLJ 260 and also in its judgment in *Rasta Peth Education Society, Pune v. Pethkar Udhao Bhimshankar* 1995-II- LLJ-908 (Bom) has held that a Civil Court can entertain a civil suit relating to the subject matter on which the appeal under Section 9 of the Act can be filed before the School Tribunal. Thus, the jurisdiction of the Civil Court and the Tribunal has been held to be concurrent. Under Section 9 of the Civil Procedure Code the Courts under the Civil Procedure Code have jurisdiction to entertain all suits of civil nature. It is, thus, clear that the dispute that is raised before the Tribunal under the Act is a dispute of a civil nature and therefore it can be safely said that the Tribunal for the purpose of deciding appeals filed before it can be said to be civil Court for the purpose of Civil Procedure Code and therefore, an order made by the Civil Procedure Code is an order within the meaning of Civil Procedure Code. I have already pointed out above that under Section 36 of the Civil Procedure Code, provisions in the Code relating to execution of decree are applicable to the execution of the order. Therefore, if the order made by the School Tribunal is an order within the meaning of Civil Procedure Code, then the provisions in the Code relating to execution of a decree are available for enforcing or executing an order made by the School Tribunal. Therefore, when the School Tribunal makes an order for reinstatement and for payment of backwages, the

Appellant in whose favour such an order is made can definitely approach the School Tribunal, which made the order for execution of that order in the same manner in which the decree under the provisions of the Civil Procedure Code is to be executed. In such situation, either the Tribunal may itself execute the decree or it may transfer the decree for execution to another Court in accordance with the provisions contained in the Civil Procedure Code. It is thus clear to my mind that an order made by the School Tribunal is an order which is executable under the provisions of the Civil Procedure Code.

12) It is settled legal position that, this Tribunal has power of Civil Court and Civil Court can execute Decree passed by it or can transfer Decree for execution to any other competent court. As per section 13, as mentioned earlier, two remedies are available to the Applicant. He has chosen remedy to file execution petition.

13) According to Applicant an amount of Rs.38,97,682/- is outstanding against Respondents as back wages. Applicant has filed statement in tabular form showing the outstanding back wages amount. Respondents have not filed anything on record showing that how much amount is outstanding against Respondent No.1 Trust. It is/was duty of the Respondents either to agree with the statement filed by the Applicant or to file the separate statement showing exact amount of back wages outstanding against them, but they have not filed anything on record. If Respondents are not in agreement with the amount mentioned in the statement, they are at liberty to file statement of outstanding amount before executing court.

14) As per the section 39 Code of Civil Procedure, this Tribunal is competent to transfer the Decree to the Civil Court having jurisdiction/power to execute it. As infrastructure and machinery is not available with this Tribunal to execution of Decree, it is necessary to send Decree to the Civil Court for execution, within whose local jurisdiction

movable and immovable properties of Judgment Debtors/Respondents are situated. Accordingly, following order.

ORDER

1. Judgment and order (Decree) be transferred to the Court of Civil Judge, Senior Division, Pimpri Chindhwad, Pune for execution of Decree as per law.
2. Respondents are at liberty to submit the statement of outstanding amount, if Respondents are not in agreement with the statement/s filed by Applicant.

Date:-17/03/2026

Place:- Pune.

(Dnyaneshwar.R.Dande)
Presiding Officer,
School Tribunal, Pune.