

ORDER BELOW EXH. 16 IN C.P. No. 06/2019 (Meena Robinson Patole Vs. Head Mistress Douglas Girls School & two Others.)

1] This is an application filed by applicant/Decree Holder for execution of compromise decree against respondent/Judgment Debtor.

2] It is submitted that, in Appeal No. 13/2012 dated 23.06.2014, the compromise has been took place. As per the contention of the compromise, it is the duty of respondent nos.1 and 2 to submit the bills to respondent no.3. Respondent nos.1 and 2 submitted the bill application on 18.01.2017. Respondent no.3 sent the bill application with compliance on 06.02.2017. Respondent nos. 1 and 2 have not complied the objections raised by respondent no.3. For this act of negligence, the amount of arrears Rs. 6,51,676/- be recovered by respondent nos. 1 and 2.

3] Say filed by respondent no.2 at Exhibit-17. She submits that, as per the meeting of management, the application for grant of back wages filed by the respondent to Education Officer, Zilla Parishad, Jalna. Applicant has relinquished her right to claim back wages from the management and hence, prayed for rejection of application.

4] Perused the documents, in which the objection letter of Education Officer is submitted by applicant. The objection raised by

the Education Officer should be cured by the respondent nos.1 and 2. It should be noted that, the compliance is not in the control of applicant. Respondent nos.1 and 2 are not complied the objections, hence, applicant prayer to recover the amount from them only. But, it is admitted fact that, applicant has relinquished the right to claim back wages from the management. Hence, applicant has already waived the right against respondent nos.1 and 2. Moreover, the compromise pursis is intact. And respondent no.3 has not denied the claim of the applicant. Hence, applicant has no right to claim the amount from respondent nos.1 and 2. But, behind the compromise pursis, respondent nos.1 and 2 cannot escape themselves from compliance of order. Hence, they are directed to do the needful within reasonable time while deciding this issue. We cannot cast the duty on respondent nos. 1 and 2 for non-compliance of respondent no.3.

Considering above discussion, application is hereby rejected.

Date:- 28.11.2024

(Smt. S.D. Kankanwadi)
Presiding Officer
School Tribunal, Aurangabad.

Certificate

I affirm that, the contents of this P.D.F file & order are same, word to word as per the original Judgment.

Name of the Stenographer : S.H.Kulkarni.

Court : Smt. S.D.Kankanwadi,
Presiding Officer, School
Tribunal, Aurangabad.

Date of Order : 28/11/2024

Order signed by the P.O. : 28/11/2024

Order made PDF on : 28/11/2024