

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3287 OF 2021

Dr. Vasif Tausiffudin Ahmed
and others

... Petitioners

- Versus -

The State of Maharashtra and
others

... Respondents

Ms. Gauri Venkatraman, Advocate for Petitioners.

Shri A.S. Fulzele, Additional Government Pleader for Respondent
Nos.1 and 2.

Shri N.P. Lambat, Advocate for Respondent No.3

Shri J.B. Kasat, Advocate for Respondent No.4.

Shri F.T. Mirza, Advocate for Respondent Nos.5 and 6.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 1 APRIL 2022

P.C. :

Heard learned Counsel for the parties.

2) On 30 March 2022, following order was passed :

“Learned Counsel for Respondent Nos.5 and 6 states that reply on merits is yet not filed.

2. The petition is earlier ordered to be taken up for disposal. While the petition awaits disposal, the learned Counsel for Petitioners states that an ad-interim issue as regards monthly payment to Petitioners and teachers working in the Respondent Institution should be made for the purpose of their survival. The learned Counsel for Petitioners states that keeping aside the claim for back-wages, 6th and 7th Pay Commission and Dearness Allowance for the present, an ad-interim arrangement at least for regular salary should be made.

3. The learned Counsel for Respondent management states that Respondent management is making efforts to pay some amount per month and the quantum thereof would be placed on record on the next date.

4. At the request of learned Counsel for Respondent Nos.5 and 6 stand over to 1 April 2022.”

3) Shri Mirza, learned Counsel for the Respondent Management has tendered an affidavit where it is stated that the Respondent Management will pay for the month of April 2022 basic salary to the Petitioners as per the chart annexed as Document No.2 to the affidavit. It is further stated that however, in future, if number of students drop, this amount may have to be altered.

- 4) We had passed an order on 30 March 2022 because the petition was to be listed for hearing and the pleadings of the parties were not complete. Considering this position, we direct that replies on behalf of the Respondents be filed within a period of two weeks from today. Rejoinder, if any, be filed within a week thereafter. The Respondent Management will pay to its employees as per the chart annexed as Document No.2 to the affidavit 50% of the amount within one week and remaining 50% within two weeks from today. We make it clear that this is an *ad hoc* arrangement to ensure that because the petition is being adjourned for disposal, the Teachers should not be without any means of survival. Since we expect the petition to be considered on the next date or soon thereafter, this order is for the month of April 2022 and the aspect as regards payment for May 2022 will be considered on the next date.
- 5) Place the petition on board for final disposal on 25 April 2022.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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