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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CONTEMPT PETITION NO.400 OF 2008**

Shivaji Narhari Mhetre

... Petitioner

V/s.

R.K. Desai & Anr.

... Respondents

Mr.R.P. Sabban for Petitioner

Mr.V.B. Rajure for Respondent Nos.1 & 2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JANUARY 29, 2010**

**P.C.:**

1. The petitioner has been contending that the order of the School Tribunal dated 24.10.2005 has been breached by the respondents. The School Tribunal had set aside the order of termination passed against the petitioner on 31.5.2003. The respondents were directed to reinstate the petitioner with continuity of service and 50% backwages with consequential benefits. The respondents were further directed to pay wages "as per the rules and regulations of the MEPS Act".

2. Mr.Rajure, appearing for the respondents, states that the dispute about the backwages payable has arisen because according to the respondents, the petitioner was being paid a consolidated wage when his services were terminated. He further states that the respondents are ready and willing to pay 50% backwages on this basis to the respondents immediately. A perusal of the order of the Tribunal does not

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indicate whether the backwages should be paid at a consolidated rate or on the basis of timescale.

3. This petition can be disposed of by directing the respondents to pay 50% of the backwages calculated by them within two weeks from today. This amount shall be accepted by the petitioner without prejudice to his rights and contentions with respect to an additional amount based on his contention that he is entitled to wages under a timescale.

4. This payment shall be made by the respondents subject to their rights and contentions in the Writ Petition No.108 of 2006 filed by them to challenge the order of the School Tribunal.

5. Notice stands discharged.

6. Contempt Petition petition is disposed of accordingly.