

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4196 of 2008

Pravin V. Desai

...Petitioner

V/s.

Bharati Sahakari Bank Ltd.

...Respondents

**WITH
WRIT PETITION NO.1434 OF 2007
WITH
CIVIL APPLICATION NO.1462 OF 2019
AND
CIVIL APPLICATION NO.2954 OF 2009
IN
WRIT PETITION NO.1434 OF 2007**

Bharati Sahakari Bank Ltd.

...Petitioner

V/s.

Vitthal Ramchandra Sasane

...Respondents

**WITH
WRIT PETITION NO.4085 OF 2008**

Vitthal R. Sasane

...Petitioner

V/s.

Bharati Sahakari Bank Ltd.

...Respondents

**WITH
WRIT PETITION NO.1426 OF 2007**

Bharati Sahakari Bank Ltd.

...Petitioner

V/s.

Mr. Pravin Vijay Desai

...Respondent

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Mr. A.S. Rao *for the Petitioners in WP/4196/2008 and WP/4085/2008 and for Respondent in WP/1434/2007 & WP/1426/2007.*

Mr. Piyush Shah with Mr. Aditya V. Tayade for Respondent in WP/4196/2008 and 4085/2008 and for Petitioner in WP/1434/2007 & WP/1426/2007

CORAM : SANDEEP V. MARNE, J.

Judgment reserved on : 9 January 2025.

Judgment pronounced on : 21 January 2025.

Judgment:

1. These are cross Petitions filed by the Employer-Bank and its ex-employees challenging the judgment and order dated 24 January 2007 passed by the Member, Industrial Court, Pune partly allowing Revision Petitions filed by the employees and setting aside the judgment and order dated 27 February 2006 passed by the Labour Court, Pune. The Labour Court had dismissed the complaints of unfair labour practices relating to termination of the employees by order dated 27 February 2006. While setting aside the order of the Labour Court, the Industrial Court has directed reinstatement of the employees with continuity of services and 25% backwages from the date of dismissal.

2. Writ Petition Nos.1434 of 2007 and 1426 of 2007 are filed by the Bank challenging the order of reinstatement with 25% backwages whereas Writ Petition Nos.4196 of 2008 and 4085 of 2008 are filed by the employees to the limited extent of denial of full backwages.

3. Brief facts leading to filing of the Petitions are that Bharati Sahakari Bank Ltd. (**the Bank**) is a co-operative society registered under the provisions of Maharashtra Co-operative Societies Act, 1960 and is engaged in banking business. The two employees- Shri Pravin V. Desai and Shri Vitthal R. Sasane were employed in the bank. They were apparently members and office bearers of the union formed by the bank employees. Five reports were submitted by the security officer of the Bank to its Chief Executive Officer reporting that on 22 December 1995, 29 December 1995, 1 January 1996, 2 January 1996 and 3 January 1996 several employees had conducted demonstrations at the Head Office of the Bank by shouting slogans against bank officials. The Bank accordingly issued show cause notice dated 1 January 1996 in respect of the incidents dated 22 December 1995 and 29 December 1995 to the employees. It appears that further show cause notice dated 6 January 1996 was issued in respect of the incident dated 1, 2 and 3 January 1996. On 6 January 1996 similar demonstrations were held and accordingly third show cause notices dated 15 January 1996 were issued to the employees. It appears that such show cause notices were issued to total 5 employees viz., Mr. Pravin Vijay Desai Mr. Vitthal R. Sasane, Mr. R.B. Mali, Mr. V.V. Jadhav and Mr. Sanjay K.

Dharme. Thereafter charge-sheets dated 15 February 1996 were issued to the said five employees. After receipt of charge-sheets, one of the employees-Mr. Sanjay K. Dharme tendered apology for his conduct and he was accordingly let-off by merely suspending him for two days. The Enquiry was however, continued in respect of balance four employees viz. Mr. Pravin Vijay Desai Mr. Vitthal R. Sasane, Mr. R.B. Mali and Mr. V.V. Jadhav. The Enquiry Officer held the charges levelled against the said four employees to be proved. The Bank therefore proceeded to terminate the services of the said four employees. The termination orders were questioned by the said four employees by filing complaints of unfair labour practices before the Labour Court, Pune.

4. The Labour Court decided preliminary point of perversity in the findings of the Enquiry Officer by order dated 30 January 2024 and held that the findings of the Enquiry Officer were not perverse. The Labour Court thereafter proceeded to decide the Complaints by its judgment and order dated 27 February 2006 and dismissed the same upholding the termination of the employees. Three out of four employees viz., Mr. Pravin Vijay Desai Mr. Vitthal R. Sasane and Mr. R.B. Mali filed Revision Applications before the Industrial Court, Pune. It appears that fourth employee- Vikas V. Jadhav decided not to pursue the matter further and did not file revision challenging the decision of the Labour Court.

5. The Industrial Court has partly allowed Revisions preferred by the three employees by judgment and order dated 24

January 2007 and has set aside the order of the Labour Court dated 27 February 2006. The Industrial Court has directed reinstatement of the three employees with continuity of service and 25% backwages from the date of dismissal. The Bank has filed Writ Petition No.1434 of 2007 in respect of the order passed by the Industrial Court in Revision preferred by Mr. Vitthal Ramchandra Sasane and Writ Petition No.1426 of 2007 in respect of order of the Industrial Court in Revision preferred by Mr. Pravin Vijay Desai. By order dated 2 March 2007, this Court admitted Writ Petition Nos. 1426 of 2007 and 1434 of 2007 and stayed the execution and implementation of the order of the Industrial Court.

6. It appears that the Bank has not filed any Petition challenging the order of Industrial Court *qua* third employee – Mr. R.B. Mali as he has apparently given up his claim against the Bank. After Bank's Petitions were admitted by this Court vide order dated 2 March 2007, the two employees viz. Mr. Pravin Vijay Desai and Mr. Vitthal R. Sasane have filed Writ Petition Nos.4196 of 2008 and 4085 of 2008 claiming full backwages consequent to the order of the reinstatement. The Petitions filed by the two employees came to be admitted by this Court by order dated 21 July 2008. All the four Petitions are called out for final hearing.

7. Mr. Shah, the learned counsel appearing for the employer-Bank would submit that the Industrial Court has erred in reversing the well-considered decision of the Labour Court,

which had dismissed the complaints filed by the two employees. That the Industrial Court has erred in comparing the cases of two employees-Pravin V. Desai and Vitthal R. Sasane with that of Mr. Sanjay Dharme. That Mr. Sanjay Dharme had tendered apology for misconduct committed by him whereas the said two employees continued claiming innocence leading to conduct of enquiry against them, in which the charge was held to be proved. He would rely upon judgment of the Apex Court in ***Obettee Pvt. Ltd. V/s. Mohd. Shafiq Khan***¹ in support of his contention that employee who expresses remorse and tenders apology for indulgence in strike cannot be placed on par with another employee, who justifies the conduct and presses for conduct of enquiry to prove the charges. He would submit that there is no discrimination between the two employees and Shri Dharme in the present case. Mr. Shah would submit that Petitioners have otherwise committed serious misconduct by shouting slogans in abusive language and by creating an atmosphere of terror. He would submit that such a conduct on the part of the employees is not conducive to the business of the Bank. That therefore the conduct of the employees cannot be considered as constituting minor misconduct. That therefore punishment of dismissal imposed on them is commensurate with the misconduct committed by them. He would therefore pray for setting aside order passed by the Industrial Court.

8. So far as Writ Petition Nos.4196 of 2008 and 4085 of 2008 are concerned, Mr. Shah, without prejudice to the

¹ 2005 III CLR 569

contention that entire order of the Industrial Court is liable to be set aside, would contend that there is no question of granting any further backwages to the employees considering the seriousness of misconduct committed by them.

9. Mr. Rao, the learned counsel would appear on behalf of the employees opposing Writ Petition Nos.1426 of 2007 and 1434 of 2007 filed by the Bank. He would submit that the Industrial Court has rightly appreciated the position that the Bank discriminated amongst two sets of similarly placed employees. That the two employees were not on strike and agitations were conducted in a peaceful manner after working hours of the Bank, without affecting the business of the Bank in any manner. He would submit that agitations were held essentially on account of appeal made by the Union and the two employees participated in the agitations arranged for by the union. That the employees have been deliberately targeted on account of audacity shown by them to challenge the decision of the management by joining the Union. He would submit that Mr. Sanjay Dharme also participated in shouting of slogans during the course of agitations and the fact that he was let-off with suspension of only two days speaks volumes about gravity of misconduct, which is held to be proved against the two employees. That if similar misconduct committed by Mr. Dharme was worth suspending him for two days, it is inconceivable that the other four employees could have been dismissed from service. That mere tendering of apology by Mr. Sanjay Dharme could not be the sole factor for practising hostile

discrimination *qua* the two employees involved in the present Petitions. In support of his contention, Mr. Rao would rely upon judgment of the Apex Court in ***Anand Regional Co. Op Oil Seeds Growers' Union Ltd vs Shaileshkumar Harshadbhai Shah***² and ***Rajendra Yadav vs State Of M.P.& Ors***³. He would therefore submit that it was clearly impermissible for the Bank to accord different treatment to similarly placed employees. Lastly, Mr. Rao while opposing the Petitions filed by Bank, would submit that the Industrial Court has merely awarded reinstatement with 25% backwages and therefore no interference is warranted in the said order.

10. In support of Writ Petition Nos.4196 of 2008 and 4085 of 2008 filed by the two employees, Mr. Rao would contend that the Industrial Court has erred in denying full backwages to the employees. That grant of full backwages is necessary corollary of setting aside the termination order. That since the Industrial Court compared cases of the two employees with Mr. Sanjay Dharme, who is let-off with suspension for only two days, dismissal of the two employees became unjustifiable and once the dismissal is set aside, only corollary is to award full backwages to the employees, who are erroneously kept away from the duties due to illegal and arbitrary actions of the Bank management. He would therefore urge that this Court should modify the order of the Industrial Court by awarding 100% backwages to the two employees.

² (2006) 6 SCC 548

³ (2013) 3 SCC 73

11. Rival contentions of the parties now fall for my consideration.

12. As observed above, these two cross Petitions are filed by the Bank and its two employees challenging the judgment and order dated 24 January 2007 passed by the Industrial Court directing reinstatement of the two employees with 25% backwages. While the Bank is aggrieved by orders of reinstatement and 25% backwages and claims that the employees cannot be reinstated, the two employees contend that denial of full backwages to them consequent to the order of reinstatement is erroneous. It would therefore be necessary to first examine correctness of the directions issued by the Industrial Court directing reinstatement with 25% backwages.

13. It appears that initially five employees were sought to be held responsible in respect of the repeated agitations held at the Head Office of the Bank on 22 December 1995, 29 December 1995, 1 January 1996, 2 January 1996, 3 January 1996 and 6 January 1996. The charge-sheet issued to the said five employees alleged misconduct of (i) willful insubordination; (ii) riotous, disorderly and indecent behaviour in the premises of the Bank having nexus to the business and affairs of the Bank; (iii) indulging in acts prejudicial to the interest of the Bank; and (iv) commission of acts subversive of discipline and good behaviour. Alongwith the charge-sheet, three show cause notices were appended for the purpose of indicating the particulars of each

article of charge. In the show cause notices, it was alleged that the five employees held demonstrations on 22 and 29 December 1995 and 1, 2, 3 and 6 January 1996 at the entrance of the head office of the Bank at various timings and shouted slogans in a vulgar and objectionable manner. The show cause notices reproduced the slogans shouted by the said five employees alongwith the other employees of the Bank. The slogans were abusive towards the directors and officers of the Bank. The show cause notices also allege creation of atmosphere of terror and tension among the employees in the premises of the Bank and lowered the image of the management personnel as well as the management in the eyes of public at large. It must be observed that the agitations were held in the busy building (Bharti Bhavan) at the office of the headquarter of the Bank and the agitations were held on six different dates shouting abusive and indecent slogans against the management and the bank. This Court takes judicial notice of the fact that the Family Courts, Pune also operated in the premises situated in the same building. The building was thus frequented throughout the day and therefore the defence that the agitations were held after banking business hours would not cut any ice. Since the establishment is engaged in banking business, repeated demonstrations held by its employees by shouting abusive and indecent slogans on the road at the entrance of the headquarter undoubtedly spreads bad image of the Bank in the eyes of the public and is bound to affect its business. Therefore, the misconduct committed by all the five employees in repeatedly

shouting indecent and abusive slogans against the management cannot be taken lightly.

14. The sheet anchor of the employees is the action of the Bank management in letting-off fifth employee-Mr. Sanjay Dharme, who had also shouted similar slogans on each of those dates. It appears that after initiation of domestic enquiry, Mr. Dharme expressed remorse in respect of his actions and tendered apology to the Bank. The Bank accepted the apology and retained Mr. Sanjay Dharme in services by merely suspending him for a period of two days. It is sought to be contended that punishment of suspension of two days meted out to Mr. Sanjay Dharme shows the real gravity of the misconduct allegedly committed by the other employees. I am unable to agree. Non infliction of punishment of dismissal on Mr. Sanjay Dharme after tendering of apology by him cannot be construed to mean as if the misconduct committed by the other employees was not worthy of dismissal. The case involved shouting slogans in vulgar language against the directors, senior officers and bank manager. Considering the nature of allegations levelled against the employees which essentially involved personal attack on directors and officials of the Bank tendering of apology by one of them assumes great significance. It is possible that the founder director and other senior officials of the Bank thought it appropriate to show forgiveness towards the employee seeking apology and expressing remorse for his actions. This is not a case where the employees are accused of committing any misappropriation of Bank funds, in which case letting-off of an

employee committing similar misconduct after acceptance of apology may have same effect on quantum of punishment imposed on the rest of the employees. Here the main charge was that of insubordination and attempting to lower the image of the management in the eyes of the public. Therefore, tendering of apology by one of the employees indulging in such misconduct plays vital effect on mind of the management. It is therefore not unnatural that the management decided not to dismiss Mr. Dharme on account of his apology and instead retained him in service with punishment of suspension for two days.

15. Reliance of Mr. Shah in this regard on judgment of ***Obettee Pvt. Ltd.*** (supra) appears to be apposite. In the case before the Apex Court, the circumstances involved were almost similar where the workmen therein were accused of similar misconduct of proceeding on strike, instigating others to remain on strike and threatening others. In the light of the above position, the Apex Court held in paragraphs 4 to 9 as under:

4. It is to be noted that while Chunnu and Vakil accepted the correctness of the charges levelled against them and tendered apology, the Respondent-workman continued to contest the charges levelled against him. On appreciation of evidence the Tribunal came to hold that merely because no action was taken against Chunnu and Vakil, the position is not the same so far as the Respondent-workman is concerned. The distinctive features, so far as the Respondent-workman and the other two namely Chunnu and Vakil are concerned were highlighted by the Tribunal. Accordingly the Tribunal held that the termination of the Respondent-workman was legal and proper.

5. In the writ petition filed before the High Court the primary stand was that there were no distinctive features so far as writ petitioner was concerned. The High Court accepted the stand of the Respondent-workman and held that the distinction made by the Tribunal was clearly an artificial distinction. It was further held that though there was no subsequent apology tendered, the

Respondent-workman had in letter and spirit shown his bona fides by not resorting to any strike subsequent to 2.5.1980 and there is clearly "inferred apology" on the part of the Respondent-workman. Accordingly the order of termination was set aside and it was directed that the Respondent-workman was to be reinstated in service if he had not attained the age of superannuation and was to be paid 50% of the back wages from the date of termination till reinstatement. It was further indicated that in case the Respondent-workman had attained the age of superannuation, then he will be awarded 50% of the back wages from the date of termination till he attained the age of superannuation.

6. In support of the appeal, learned counsel for the appellant submitted that the view of the High Court is clearly untenable. The Tribunal had rightly noted the distinctive features so far as the Respondent-workman and the other two are concerned. While in the case of Chunnu and Vakil they had given undertakings and had expressed regrets for resorting to illegal strike, there was no such regret expressed by the Respondent-workman. On the contrary he tried to justify his action and even termed the strike on 2.5.1980 to be legal one.

7. In response, learned counsel for the Respondent-workman submitted that the Tribunal had taken a hyper technical view. Even though he had not given undertaking as given by Chunnu and Vakil, there was no allegation that he had resorted to any illegal act thereafter. Mere fact that he had tried to justify his action in the proceedings cannot be taken as a distinctive features to make a departure from the benevolence shown to Chunnu and Vakil.

8. On consideration of the rival stand one thing becomes clear that Chunnu and Vakil stood at different footing so far as the Respondent-workman is concerned. He had, unlike the other two, continued to justify his action. That was clearly distinctive feature, which the High Court unfortunately failed to properly appreciate. The employer accepted to choose the unqualified apology given and regrets expressed by Chunnu and Vakil. It cannot be said that the employer had discriminated so far as the Respondent-workman is concerned, because as noted above he had tried to justify his action for which departmental proceedings were initiated. It is not that Chunnu and Vakil were totally exonerated. On the contrary, letter of warning dated 11.4.1984 was issued to them.

9. In *Union of India v. Parma Nanda* 1989 II CLR 1 SC the Administrative Tribunal had modified the punishment on the ground that two other persons were let out with minor punishment. This Court held that when all the persons did not stand on the same footing, same yardstick cannot be applied.

Similar is the position in the present case. Therefore, the High Court's order is clearly unsustainable and is set aside.

Thus, the Apex Court held that mere tendering of apology by one of the delinquent employees and the management letting him off with insignificant punishment cannot be formed a ground for raising issue of discrimination.

16. Therefore, merely because the employer decided to reinstate Mr. Sanjay Dharme by suspending him for two days after tendering of apology by him cannot be a ground for setting aside the punishment of dismissal imposed on the other two employees.

17. Mr. Rao relied upon judgment of the Apex Court in ***Anand Regional Co. Op Oil Seeds Growers' Union*** (supra) in which Respondent therein had conducted a meeting in the premises of the employer without permission and levelled false allegations against the senior officer of the management and forcibly entered into the cabin of the said officer by misbehaving, shouting slogans and threatening the said officer. It appears that the similar allegations were levelled against total 7 persons and the management did not take any action against 6 similar other persons. Those employees were allowed to opt for voluntary retirement scheme. In the light of the above position the Apex Court held that even Respondent therein ought to have been granted voluntary retirement on par with the other six

employees. The Apex Court held in paragraphs 27 and 28 as under:

27. There is, however, another aspect of the matter which cannot be lost sight of. Identical allegations were made against seven persons. The management did not take serious note of misconduct committed by six others although they were similarly situated. They were allowed to take the benefit of the voluntary retirement scheme.

28. The first respondent might not have opted therefor. However, having regard to the peculiar facts and circumstances of this case, he should be, in our opinion, treated on a similar footing. In view of the fact that the first respondent has succeeded in the Labour Court and the learned Single Judge as also the Division Bench; we are of the opinion that having regard to the overall situation, the interest of justice would be subserved if the award of the Labour Court dated 31-1-2003 as affirmed by the High Court is substituted by a direction that the first respondent shall also be given the benefit of voluntary retirement scheme from the month in which the other workmen were given the benefit thereof.

18. Mr. Rao has also relied upon judgment of the Apex Court in ***Rajendra Yadav*** (supra) in which the Apex Court in paragraphs 10, 11 and 12 has observed as under:-

10. The principle stated above is seen applied in a few judgments of this Court. The earliest one is DG of Police v. G. Dasayan wherein one Dasayan, a police constable, along with two other constables and one Head Constable were charged for the same acts of misconduct. The disciplinary authority exonerated two other constables, but imposed the punishment of dismissal from service on Dasayan and that of compulsory retirement on the Head Constable. This Court, in order to meet the ends of justice, substituted the order of compulsory retirement in place of the order of dismissal from service on Dasayan, applying the principle of parity in punishment among co-delinquents. This Court held that it may, otherwise, violate Article 14 of the Constitution of India.

11. In Shaileshkumar Harshadbhai Shah case the workman was dismissed from service for proved

misconduct. However, few other workmen, against whom there were identical allegations, were allowed to avail of the benefit of voluntary retirement scheme. In such circumstances, this Court directed that the workman also be treated on the same footing and be given the benefit of voluntary retirement from service from the month on which the others were given the benefit.

12. We are of the view that the principle laid down in the abovementioned judgments would also apply to the facts of the present case. We have already indicated that the action of the disciplinary authority imposing a comparatively lighter punishment on the co-delinquent Arjun Pathak and at the same time, harsher punishment on the appellant cannot be permitted in law, since they were all involved in the same incident. Consequently, we are inclined to allow the appeal by setting aside the punishment of dismissal from service imposed on the appellant and order that he be reinstated in service forthwith. The appellant is, therefore, to be reinstated from the date on which Arjun Pathak was reinstated and be given all consequential benefits as were given to Arjun Pathak. Ordered accordingly. However, there will be no order as to costs.

19. In my view, both the decisions in ***Anand Regional Co. Op Oil Seeds Growers' Union*** and ***Rajendra Yadav*** (supra) would have no application to the facts and circumstances in the present case. In ***Anand Regional Co. Op Oil Seeds Growers' Union*** six out of seven similarly placed employees were allowed to retire voluntarily. They were not exonerated or retained in service. It appears that the Respondent therein did not opt for voluntary retirement and the Apex Court extended special treatment to him by opting for voluntary retirement on par with other 6 similarly placed employees. The case did not involve issue of tendering of apology. In ***Rajendra Yadav*** (supra) another employee-Arjun had committed graver misconduct demanding and receiving bribe but was inflicted

comparatively lighter punishment. Petitioner therein, who had merely passive role, was however dismissed from service. It is in the light of the above facts that Apex court held that even the persons who have been found guilty can also claim equality of treatment, if they can establish discrimination while imposing punishment. In my view therefore, both the judgments relied upon by Mr. Rao do not assist the employees in the present case.

20. I am, therefore, not inclined to hold that the punishment of dismissal from services deserved interference by the Industrial Court merely on account of comparison with the role of Mr. Sanjay Dharme. However, if the misconduct proved against the two employees is taken into consideration on standalone basis, the issue is whether the said misconduct can be considered as serious enough for imposition of extreme penalty of dismissal. The employees have not denied participation in the agitations, but gave an explanation that agitations were conducted outside the Bank on a footpath, that too after closing hours of the Bank. The management examined 5 witnesses to prove the charges. Though there is an allegation of creating an atmosphere of terror in the show cause notices dated 15 January 1996, the same is not repeated in the charge-sheet. Also there appears to be no evidence to suggest that the employees threatened any particular witness examined by the management. Therefore, there appears to be no evidence in support of the allegations of threatening any other employee or customer or creating an atmosphere of terror. In my view, these are few mitigating circumstances in favour of the two employees.

Ordinarily, holding peaceful agitations in support of demand may not always constitute misconduct, specially when the same are held outside the premises of the establishment and after working hours, not affecting working of such establishment. However, in the present case, the agitations are apparently held at the entrance of the Bank and the slogans shouted by the employees were bound to be heard and noticed by passersby. In that view of the matter, it cannot be contended that the employees have not committed any misconduct at all. At the same time, the agitations in which the employees participated did not result prevention of anybody's entry into the Bank. In my view therefore, it cannot be held that the Petitioners-employees obstructed working of the Bank. True it is that in shouting vulgar and abusive slogans addressed to the founder of the Bank as well as to other key managerial persons, the employees have committed serious misconduct. However, the misconduct did not assume the character of grave misconduct on account of failure to prove the allegations of obstructing the work of the Bank. In my view, therefore, the two employees deserve to be awarded lumpsum compensation in lieu of reinstatement or backwages. Denial of reinstatement and backwages would serve sufficient penalty to the two employees, who have long crossed the ages of retirement. Since their reinstatement is otherwise not possible and considering the gravity of misconduct committed by them, payment of backwages would also not be appropriate in the present case. Though letting-off Mr. Sanjay Dharme may not have a direct bearing of right to claim reinstatement in service, the fact that the management was willing to forgive employees

upon tendering apology would have some bearing on the nature of relief, which could be granted in favour of two employees for their inalcitrant attitude of not tendering apology as was done by Mr. Sanjay Dharme. The two employees have already suffered a lot as they remained out of services of the Bank after their dismissal from services effected on 1 January 1998. The two employees have been litigating since the year 1997 i.e. for the last 28 long years and have learnt a lesson for misconduct of shouting vulgar slogans against the Bank management. In that view of the matter, award of lumpsum compensation of Rs. 3,00,000/- to each of the two employees would meet the ends of justice.

21. I accordingly proceed to pass the following order:

- (i) Judgment and order dated 24 January 2007 passed by the Industrial Court, Pune, in Revision ULP Nos. 45 of 2006 and 46 of 2006 is set aside.
- (ii) The Bank shall pay to Pravin Vijay Desai and Vitthal R. Sasane lumpsum compensation of Rs.3,00,000/- each in lieu of reinstatement or backwages. Beyond the lumpsum compensation so awarded, the Petitioners-employees shall not be entitled to any further service related benefits from the Bank.
- (iii) The amount of compensation shall be paid to the two employees by the Bank within a period of two

months, failing which the Bank shall pay interest of 8% per annum on the amount of compensation from the end of two months till the date of actual payment.

22. With the above directions all the four Petitions are disposed of.

23. Rule is made partly absolute in Writ Petition Nos.1426 of 2007 and 1434 of 2007 and rule is discharged in Writ Petition Nos.4196 of 2008 and 4085 of 2008. There shall be no orders as to costs.

24. In view of disposal of the Writ Petitions, Civil Applications do not survive and hence stand disposed of.

[SANDEEP V. MARNE, J.]