

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

LETTER PATENT APPEAL NO.10 OF 2014
WITH
CA/10268/2014 and CA/10269/2014

- 1) The President,
Kamel Education Society,
Yousuf Colony, Wangi Road,
Parbhani, Tq. And Dist.Parbhani.
- 2) The Secretary,
Kamel Education Society,
Yousuf Colony, Wangi Road,
Parbhani, Tq. And Dist.Parbhani.
- 3) The Head Mistress,
Kamel Urdu High School,
Yousuf Colony, Wangi Road,
Parbhani, Tq. And Dist.Parbhani. - PETITIONERS

VERSUS

- 1) Khalil Khan Khursheed Khan,
Age: 33 Yrs., occu. Service,
R/o Parwa Gate, Dargah road,
Parbhani, Tq and Dist. Parbhani.
- 2) Education officer, Primary,
Zilla Parishad, Parbhani. - RESPONDENTS.

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Mr. RR Katneshwarkar, Adv. h/for Mr. Syed G R, Adv.
For Appellants;
Mr. MV Ghatge, Adv. For Respondent No.1;
Mrs. MA Deshpande, AGP for State;
Mr. B.A. Shinde, Adv. For Resp.No.2.

**CORAM : R.M.BORDE &
P.R.BORA,JJ.**

DATE : 10th JULY, 2015.

ORAL JUDGMENT (PER:- R.M.BORDE,J.)

1) Appeal admitted and heard finally with consent of parties.

2) Leave to amend title clause of Respondent No.2. Instead of "Education Officer (Primary), Zilla Parishad, Parbhani", it shall be read as "Education Officer (Secondary) Zilla Parishad, Parbhani".

3) Learned AGP waives service for the said added respondent.

4) In this Letters Patent Appeal, the appellants/management is objecting to order dated 20th January, 2012 passed by learned Single Judge

in Writ Petition No.9773/2010, thereby confirming the order passed by the School Tribunal on 30th July, 2010.

5) Respondent No.1/employee approached to the School Tribunal by way of an appeal being Appeal No. 14/2010, challenging the oral termination order dated 22nd July, 2008 issued by the appellant/management, thereby terminating his services. The appeal presented by the Respondent/employee came to be allowed by the School Tribunal and the management was directed to reinstate the Respondent/employee in service on the post of Peon in the School run by appellant/management. The School Tribunal had also directed the management to pay full back wages and other consequential benefits to the employee from the date of his termination till date of his reinstatement.

6) The parties to the litigation have arrived at compromise and the Minutes of

Order/compromise, duly signed by both the parties and verified before the Oath officer, is placed on record. The Minutes of order/compromise are taken on record and marked "X" for identification. In the minutes of order, the management has undertaken to accept the decision of the school tribunal, save and except that the employee shall be entitled to 50% of the back wages from the date of his alleged oral termination, i.e. w.e.f. 22.7.2008 till 15.7.2015. The employee does not dispute the understanding arrived at between the parties. It is further agreed that an amount of Rs.1,75,100/-, deposited by the appellant/management in this Court, which has already been withdrawn by the Respondent/employee, shall be adjusted while computing 50% of the back wages. It is further agreed that the amount of back wages shall be deposited in this Court within a period of six months from today. On deposit of the amount, as agreed, the employee shall be permitted to

withdraw the same unconditionally. The Respondent No.1/employee undertakes to resume the duties as Peon with the appellant/management on 15th July, 2015 and the management undertakes to allow the respondent/employee to resume duty.

7) In view of the amicable settlement arrived at between the parties, the order passed by the School Tribunal and which has been confirmed by learned Single Judge of this Court shall stand modified to the extent as specified in the Minutes of order arrived at between the parties. The Letters Patent Appeal accordingly stands partly allowed to the extend specified above. There shall be no order as to costs. Pending Civil Applications, if any, stand disposed of.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/