

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3843 OF 2015
IN LPA/120/2012

SIDDHARTH CHINTAMANRAO ACHARYA
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL AHMEDPUR AND ANR

...
Advocate for Applicant : Mr. Golewar V. P. and L S Shaikh
Advocate for Respondent No.1 : Mr. V.P. Latange
AGP for respondent No.2: Mr. S.G. Karlekar
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**CORAM : R. M. BORDE AND
V. K. JADHAV, JJ.**

DATED : 27th MARCH, 2015

P.C. :-

1. The appellant tendered a complaint to the Industrial Court bearing (ULP) No. 45 of 2009 which came to be allowed by the said Court on 9.3.2011. The Municipal Council/employer was directed to make the appellant permanent as Sanitary Inspector w.e.f. 15.10.1995 and also to provide him status, privileges and other consequential benefits and also to pay arrears of salary and the monetary benefits within a period of six months from the date of order. The order passed by the Industrial Court was subjected to challenge in writ petition No. 4364 of 2011 at the instance of the employer and the learned Single Judge, while disposing of writ petition on 27.3.2012 confirmed the order except clause 3 wherein

the date of grant of permanency was recorded as 15.10.1995 has been changed to 17.11.2009 i.e. the date of presentation of the complaint to the Industrial Court. The said order passed by the learned Single Judge in writ petition No. 4365 of 2011 is subject matter of challenge in the instant Letters Patent Appeal.

2. During continuance of the proceedings, the parties have arrived at a compromise and it is settled between the employer and employee that he will be extended the benefits of permanency from 15.10.1995 of the post of Sanitary Inspector, however, the monetary benefits accruable to the appellant from the period from 15.10.1995 to 31.12.1998 will not be admissible to him. It has also undertaken on behalf of the employer that the appellant would be paid monetary benefits accruable to him as permanent servant on the post of Sanitary Inspector after 1.1.1999.

3. The term of settlement placed on record have been signed by the appellant and the Chief Officer of Municipal Council and the President of the Municipal Council on behalf of the employer. The parties i.e. Chief Officer and the appellant employee are present before the Court and admitted the terms of settlement. The terms of settlement are signed by the advocates representing the respective parties. The terms of settlement are read and recorded.

4. The Letters Patent Appeal stands disposed of in terms of settlement placed on record and the order passed by the learned Single Judge in writ petition No. 4364 of 2011 as well as the order passed by the learned Member, Industrial Court, Latur in complaint (ULP) No. 45 of 2009 decided on 9.3.2011 stands modified to the extent and in conformity in terms of settlement.

5. Decree be drawn in term of the settlement. There shall be no order as to costs.

(V. K. JADHAV, J.)

(R. M. BORDE, J.)

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