

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8374 OF 2012

The Commissioner
Solapur Municipal Corporation, Solapur ... Petitioner

Vs.

Shri Narayan Dhondiba Jadhav ... Respondent

Mr.Siddharth Gadve h/f Mr.Vijay Killedar, Advocate for Petitioner.
Mr. Narayan Dhondiba Jadhav, Respondent in-person present.

CORAM : R. G. KETKAR, J.
DATE : 26th FEBRUARY, 2015

P.C. :

. Not on board. At the request of Mr.Siddharth Gadve,
taken up in the production board.

2. Heard Mr.Siddharth Gadve, learned Counsel for the
petitioner and respondent – Narayan Dhondiba Jadhav, in-person.
Rule. Narayan Dhondiba Jadhav, respondent in-person waives
service. At the request and by consent of the parties, rule is made
returnable forthwith and the petition is taken up for final hearing.

3. Mr.Gadve has tendered communication dated
26/02/2015 addressed by Legal Advisor of the Corporation to
Advocate Mr.Vijay Killedar. It is recorded therein that respondent –
Narayan Dhondiba Jadhav has made affidavit on 15/11/2014 setting
out therein that as per the circular dated 06/09/2014 of the
Corporation, the Corporation has agreed to condone deficiency in

qualifying services for payment of pension and other terminal benefits in terms of Maharashtra Civil Services Pension (Rules) 1982. It is further set out therein that after paying pension and other terminal benefits in terms of circular dated 06/09/2014, respondent will relinquish his rights flowing from the impugned order dated 11/04/2012 passed in Complaint (ULP) No.59 of 2009 by the Industrial Court, Solapur. Mr.Gadve has tendered photocopy of the communication dated 26/02/2015 along with affidavit of respondent in Marathi as also affidavit in English and the circular dated 06/09/2014 on record. The same are taken on record and marked 'X' collectively.

4. In view thereof, the impugned order stands modified by accepting the statement made on behalf of the Corporation in the form of undertaking that as per the circular dated 06/09/2014, petitioner will pay pension or other terminal benefits to him by condoning deficiency in qualifying services.

5. Rule is made absolute in the aforesaid terms with no order as to costs.

6. The petitioner shall release the pension or other terminal benefits within 4 weeks from today. Order accordingly.

(R. G. KETKAR, J.)