

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8610 OF 2012

Atpadi Education Society, Atpadi & Anr. .. Petitioners
vs.
Tamboli Musa Lalbhai & Ors. .. Respondents

WRIT PETITION NO. 3257 OF 2012

Tamboli Musa Lalbhai .. Petitioner
vs.
State of Maharashtra & Ors. .. Respondents

Mr. Dilip Bodake for Petitioner in WP 8610 of 2012 and for Respondent Nos. 4, 5 and 6 in WP 3257 of 2012.

Mr. V. K. Bodhare i/b. A. M. Joshi for Respondent No. 1 in WP 8610 of 2012 and for Petitioner in WP 3257 of 2012.

Ms. Vaishali Nimbalkar – AGP for Respondent Nos. 2 and 3 in WP 8610 of 2012 and for Respondent Nos. 1 to 3 in WP 3257 of 2012.

CORAM : M. S. SONAK, J.
DATE : 18 FEBRUARY, 2015

P.C. :-

1] These petitions can be disposed of in view of the following agreement arrived at between the parties :

(a) The order of termination dated 31 December 2005 shall stand set aside;

(b) The respondent no. 1 (Shri Tamboli Musa Lalbhai) having attained the age of superannuation on 31 May 2008, shall obviously not be entitled to reinstatement. Further, the respondent no.1

agrees not to claim / gives up his claim for any back-wages during the period from 31 December 2005 and 31 May 2008;

(c) The Respondent no. 1 shall however be entitled to full pensionary benefits, consequent upon his superannuation w.e.f. 31 May 2008. The period between 31 December 2005 and 31 May 2008 shall be notionally taken into consideration for the purposes of determining the pensionary benefits payable to the respondent no.1.

2] Accordingly, there shall be an order in the aforesaid terms.

3] The petitioner to process the pension papers concerning the respondent no. 1 within a period of eight weeks from today and forward the same to the concerned authority. The concerned authority shall release the pension along with arrears within a period of six weeks thereafter. The respondent no.1 agrees to render full cooperation to the petitioner as well as the concerned authority for early resolution of the matter.

4] Petitions are disposed of accordingly.

(M. S. SONAK, J.)