

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3350 OF 2004**

M/s Sahyadri Central Consumer
Co-op. Whole-sale and Retail
Stores Ltd

Petitioner

Vs

Smt. Mangala S. Sawant
and Anr.

.. Respondent

Mr. T. R. Yadav and Mr. Kiran Bapat, Advocate for Petitioner.
Mr.Asif Patel, Advocate for Respondent no.1.

CORAM : R.G.KETKAR,J.
DATE : 10/02/2015

PC:

1. Heard Mr. T.R.Yadav, learned counsel for the petitioner and Mr.Asif Patel , learned counsel for respondent no. 1.
2. By order dated 19.4.2004, the Petition was admitted by issuing Rule only with regard to the back wages. The petitioner was directed to reinstate respondent no.1 immediately. In pursuance thereof, the learned counsel appearing for the parties state that respondent no.1 was reinstated.
3. Learned counsel appearing for the parties state that the parties have amicably settled the dispute in terms of the Consent Terms dated 10.2.2015 duly signed by the parties and their Advocates. The Consent Terms provides that the petitioner agrees and undertakes to pay to respondent no.1 a sum of Rs.2,50,000/- which shall be inclusive of gratuity and ex-gratia payment upon filing of these Consent Terms in this Court. Upon

execution of the Consent Terms, resignation of respondent no.1 shall stand accepted forthwith and both the parties will have no claim whatsoever against each other henceforth.

4. Mr. Yadav has tendered Pay Order in the sum of Rs.2,50,000/- in the name of respondent no.1. Mr Patel has acknowledged receipt of that Pay Order. After perusing the consent terms, I am satisfied that the dispute between the parties is lawfully and amicably settled in terms of the Consent Terms. The Consent Terms are taken on record and marked "X" for identification. The Undertakings given by the petitioner in the Consent Terms are accepted. Mr Yadav states that Shantaram Kadam, Secretary of the petitioner is present in the Court. Mr Patel states that respondent no.1 is present in the Court along with her son and he identified respondent no.1. Photocopy of Pan Card of Mr Shantaram Kadam is taken on record and marked "Y" for identification. Photocopy of resignation of respondent no.1 dated 10.2.2015 is taken on record and marked "Z" for identification. Mr. Patel and respondent no.1 admit and confirm that she has resigned by letter dated 10.2.2015.

5. In view the Consent Terms, the impugned order is quashed and set aside and stands substituted by these Consent Terms. Rule is made absolute in the aforesaid terms with no order as to costs.

6. The petitioner shall pay respondent no.1 the amount

towards accumulative leave, privilege leave, in case available to her credit within two months from today. Respondent no.1 is permitted to withdraw amount of Rs.1,96,607 along with accrued interest unconditionally.

(R.G.KETKAR, J.)