

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.29 OF 2009

...

The President,
 Khairul Islam Higher Education
 Society's Maharashtra College

...Petitioner

v/s.

Fateh Mohammed F.M. & ors.

...Respondents

...

Mr.Ajit S. Karwande for the Petitioner.
 Ms.Anjali Helekar, AGP for Respondent No.3.
 Mr.Sachin Pawar for Respondents Nos.1A & 1B.

...

CORAM : A.A. SAYED, J.

DATED : 23 FEBRUARY 2015

P.C.

In view of the consensus between the learned Counsel for the Petitioner and the learned Counsel for Respondents Nos.1A & 1B (heirs of the original Respondent No.1), the Petition is disposed of by passing the following order:

- (i) Since the original Respondent No.1 has expired, the Writ Petition is not pressed by the Petitioner and shall stand withdrawn.
- (ii) Inasmuch as the dismissal order dated 28 February 2008 of the original Respondent No.1(since deceased) from service has been set aside and the original Respondent No.1 (since

deceased) has been directed to be reinstated by the impugned order dated 26 August 2008 of the College Tribunal, the original Respondent No.1 (since deceased) will be treated as having notionally reinstated and died on 10 April 2011.

- (iii) As the original Respondent No.1 (since deceased) had put in about 30 years of service, the Petitioner undertakes to submit the proposal of pension/family pension to the concerned Deputy Director within eight weeks from today, which proposal shall be decided by the Respondents within ten weeks from the date of submission thereof in light of this order and in accordance with law.
- (iv) In view of the above, the Respondent Nos.1A & 1B forgo the claim for back wages.
- (v) Liberty to apply.

(A.A. SAYED, J.)