

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2240 OF 2009**

M/s The Bombay Mothers &
Children Welfare Society

..Petitioner

Vs

1. Smt.Surekha Narayan Kabade
and Anr.

.. Respondent

Mr.P.M.Palshikar, Advocate for Petitioner.

Ms.Swati Sawant, Advocate for Respondent No.1.

Mr.Anant M. Patil, Administrative Officer of petitioner present.

CORAM : R.G.KETKAR, J.

DATE : 02/02/2015

PC:

1. Heard Mr.P.M.Palshikar, learned counsel for the petitioner and Ms. Swati Sawant, learned counsel for respondent no.1.

2. The learned counsel appearing for the parties have tendered Consent Terms dated 2.2.2015 duly signed by the parties and their Advocates. Mr. Palshikar states that Mr.Anant Patil, Administrative Officer of the petitioner is present in the Court. Ms Swati Sawant states that respondent no.1-Ms Surekha Kabade is also present in the Court. The parties admit and confirm the correctness of the Consent Terms and Memorandum of Settlement which is annexed to the Consent Terms. The Consent Terms are taken on record and marked "X" for identification. The parties have tendered photo-copies of Identity Cards of Mr.Anant Patil, Administrative Officer and respondent

no.1 and the same are taken on record and marked "Y" collectively for identification.

3. Mr. Palshikar submitted that in pursuance of the impugned order dated 14.1.2009 the first respondent was reinstated. As per the Consent Terms, she has tendered resignation with effect from today, i.e. 2.2.2015. In view thereof, the impugned order and in particular clause (2) of the operative part of the order may be modified in terms of the Memorandum of Settlement which is annexed to the Consent Terms.

4. The learned counsel appearing for the parties submit that the controversy between the parties is amicably settled in terms of the Consent Terms dated 2.2.2015. The petitioner-employer has agreed to pay to the first respondent a lump sum amount of Rs. 5,00,000/- (Rupees Five Lakh only) in full and final settlement of her claim, dues and demands against the employer, which included 50% back wages, gratuity, leave wages and other terminal benefits. Respondent no.1 has submitted her resignation with effect from today, i.e. 2.2.2015. The petitioner had deposited amount of Rs.2,90,000/- with the Prothonotary and Senior Master of this Court on 24.2.2010 as per the order dated 15.2.2010 towards back wages of the first respondent. Respondent no.1 has no objection for withdrawal of that amount along with the accrued interest by the petitioner.

5. In view thereof, by consent of the parties, Rule is made partly absolute and clause (2) of operative part of the impugned order dated 14.1.2009 stands substituted in terms of Memorandum of Settlement which is annexed to the Consent Terms dated 2.2.2015.

6. Mr. Palshikar assures that the petitioner will issue appropriate experience certificate to the first respondent.

7. Rule is made absolute partly in the aforesaid terms, with no order as to costs.

Parties and Office of the Prothonotary & Senior Master to act upon the authenticated copy of this order.

(R.G.KETKAR, J.)