

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 208 OF 2013

Tanaji Namdeorao Mane

..PETITIONER

VERSUS

Kari Basweshwar Shikshan Sanstha Kasarsirsi

..RESPONDENT

....

Mr. R.J. Godbole, Advocate for petitioner.

Mr. V.G. Sakolkar, Advocate for Respondent Nos.1 and 2.

Mr. D.R. Korde, AGP for Respondent Nos.3 and 4.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 7th MARCH, 2016

ORDER :

1. The petitioner and the respondent-education institution have filed a compromise deed Exhibit X. By Exhibit X, the respondent has agreed to withdraw the order of termination and the petitioner has agreed to waive all back wages till the date of attaining the age of superannuation.

2. Mr. Sakolkar, learned Counsel for Respondent Nos.1 and 2 further submits that the management will forward the proposal of

the petitioner to the education officer by granting notional continuity of service from the date of termination till the date of superannuation, so as to enable the education officer to decide the claim of pensionary benefits in favour of the petitioner. The management would support the proposal of the petitioner for seeking pensionary benefits. Both the Counsel therefore pray that this petition be disposed off.

3. In the light of the above, this petition is disposed off in terms of 'Exhibit X' by recording that the order of termination of the petitioner has been withdrawn by the respondent-management and he is being given notional continuity of service till the date of retirement without any back wages. It is further observed that the petitioner was granted temporary approval subject to clearing of the backlog for the academic year 1993-94 and 1994-95.

4. Needless to state, if the respondent-management forwards the proposal of the petitioner for pensionary benefits to the Education Officer, the Education Officer/Department shall

decide the said proposal in accordance with law and by considering the above observations.

5. In the event the petitioner is aggrieved by the decision of the Education Officer, he would be at liberty to resort to an available legal remedy.

(RAVINDRA V. GHUGE, J.)