

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3253 OF 2000

Ashok Vasudev Kingaonkar,
Age-51 years, Occu-Nil,
R/o Deopur, Opposite Post Office,
Dhule, District : Dhule

PETITIONER

VERSUS

1. The President,
Vikas Vidhya Mandal, Virdel,
Taluka Sindkhed, Dist.Dhule,
2. The Head Master,
Vikas Vidhya Mandal Sanchalit
Vikas Vidhyalaya, Virdel,
Taluka Sindkhed, Dist.Dhule,
3. The Education Officer (Secondary),
Zilla Parishad,
Tq. And Dist. Dhule

RESPONDENTS

Mr.S.R.Kolhare, Advocate for the petitioner.

Mr.D.B.Shinde h/fMr.M.S.Deshmukh, Advocate for respondent Nos. 1
and 2.

Mr.V.G.Shelke, AGP for respondent No.3.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 10/02/2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2. Leave to add the Education Officer (Secondary). Addition be

carried out forthwith. Learned AGP waives service for the added respondent No.3. Mr.Kolhare, learned Advocate for the petitioner employee makes a statement on instructions that the petitioner is willing to forego the back wages from the date of termination 13/10/1997 till his retirement dated 31/10/2007, subject to the condition that the petitioner is granted notional continuity in service for this entire period and is paid retiral benefits.

3. Learned Advocate for the Management submits on instructions that the Management shall forward the proposal of the petitioner to the Education Officer specifically indicating therein that the dispute has been settled and the petitioner is being granted notional continuity of service from 13/10/1997 till 31/10/2007. On the basis of the said proposal, the retiral benefits would be made available to the petitioner.

3. In the light of the statements made on instructions, this petition is partly allowed with the following directions :-

- [a] The petitioner shall submit an affidavit to respondent No.1/ Management stating therein that he is not claiming monetary benefits for the period 13/10/1997 till 31/10/2007 as regards the back wages.

- [b] Said affidavit shall be filed within 1 (one) week from today.
- [c] Respondent Nos.1 and 2 shall forward the proposal of the petitioner for retiral benefits by granting him notional continuity in service from 13/10/1997 till 31/10/2007 within 2 (two) weeks from the receipt of the application to respondent No.3 / Education Officer.
- [d] Respondent No.3 / Education Officer, upon receipt of the said proposal, shall follow the due procedure laid down in Law for clearing the said proposal so as to make retiral benefits / pensionary benefits available to the petitioner as per rules within a period of 4 (four) weeks.

4. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)