

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.5839 OF 2016

Adivashi Education Society and others

PETITIONERS

VERSUS

Nirmala Dullabh Ahire and another

RESPONDENTS

Mr.V.D.Hon, Sr.Counsel h/f Mr.A.V.Hon, Advocate for the petitioners.

Mr.P.G.Borade, AGP for respondent No.2.

Ms.S.P.Mahajan, Advocate for respondent No.1.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/08/2016

PER COURT :

1. The petitioner tenders a copy of the communication dated 25/07/2016 bearing her original signature and address. Same is taken on record and marked as Exhibit "X" for identification.

2. Learned Advocate for respondent No.1 / employee submits that the said employee is present in the Court and she has prayed to the Management vide Exhibit "X" that she should be granted notional continuity of service from 12/06/2001 till 31/08/2016. She would submit a voluntary retirement application on 31/08/2016 and would relinquish service w.e.f. 01/09/2016. She shall not claim back wages other than those which have already been paid pursuant to the order

of this Court dated 29/10/2010 passed in WP No.3219/2009. In short, she will not claim any further wages from the date of her termination till 31/08/2016. Her papers be submitted by the Management to the appropriate authority for considering her entitlement to retiral benefits in accordance with Law.

3. Mr.Hon, the learned Sr. Advocate submits that in between 12/06/2001 till this date, no person has been appointed in place of respondent No.1 and hence the Management would reinstate her notionally. She would report for duties on 31/08/2016 and submit her resignation w.e.f. 01/09/2016. Her papers would be forwarded to the appropriate authority for consideration with regard to her entitlement for retiral benefits. Any adverse order passed by the appropriate authority will not make the Management liable for any monetary consequences and respondent No.1 would be at liberty to seek redressal of her grievance, as may be permissible in law.

4. The learned Advocate for the petitioner submits on instructions that respondent No.1 is agreeable for the same.

5. In the light of the above, by recording the statement of the petitioner and respondent No.1 and Exhibit X, this petition is

disposed of.

6. The litigating sides shall accordingly act as per their statements recorded above and the Management shall forward the proposal of respondent No.1 to the appropriate authority within a period of 6 (six) weeks. The appropriate authority, after receipt of the proposal, shall decide the same in accordance with law within a period of 12 (twelve) weeks. In the event, respondent No.1 is aggrieved by the decision of the appropriate authority, she would be at liberty to seek redressal of her grievance, as is permissible in law.

7. Considering the above, the impugned order dated 31/03/2016 passed by the learned School Tribunal in Appeal No.31/2011 stands modified in the above terms.

( RAVINDRA V. GHUGE, J.)