

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5350 OF 2016

Namdeo Maruti Pawar

..... Petitioner

VERSUS

Dhondiram Pratap Shinde & Ors.

..... Respondents

Mr.Prashant Bhavake for the Petitioner.

Mr.Prathamesh Bhargude for Respondent nos. 1, 3 and 6.

Mr.A.R.Metkari, A.G.P. for Respondent nos. 4 and 5.

CORAM : R.D. DHANUKA, J.

DATE : 12th JULY, 2016

P.C.

Learned counsel appearing for the respondent nos. 1, 3 and 6 on instruction states that the management would reinstate the petitioner in compliance with the order passed by the School Tribunal with continuity of service and other consequential benefits, however without payment of backwages. Statement is accepted. Learned counsel for the management states that the petitioner can resume the duties on 18th July, 2016 at 7.30 a.m. Statement is accepted.

2. Insofar as claim of backwages is concerned, Mr.Bhavake, learned counsel for the petitioner states that the management can submit a bill to the Education Department for the purpose of release of the backwages and if any such amount is sanctioned and released by the Education Department, the same shall be released to the petitioner.

3. Learned counsel for the management submits that his client would submit the bills to the Education Department without admitting the liability of the

management to pay any backwages to the petitioner. He submits that if any amount is released by the Education Department for the backwages to the petitioner, the same would be released to the petitioner. He submits that the management will have no objection if any amount if found payable to the petitioner is paid by the Education Department directly to the petitioner. Statement is accepted.

4. If any bills are submitted by the management to the Education Department towards payment of backwages of the petitioner, such bills shall be scrutinized and the decision thereon shall be taken by the Education Department within two weeks from the date of receipt of such bills and communication of the order shall be effected upon the petitioner immediately thereafter with a copy to the management.

5. Learned counsel for the management tenders a copy of the letter received from the management by him instructing the advocate on record to make a statement before this court that the management is ready and willing to reinstate the petitioner in compliance with the order passed by the school tribunal, however without payment of backwages. Letter is taken on record and marked 'X' for identification.

6. In view of the aforesaid arrangement arrived at between the parties, by consent of the parties, order of the school tribunal is set aside. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]