

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1723 OF 1997
WITH CA/7700/2003 IN WP/1723/1997

SARASWATI BHUWAN EDUCATION SOCIETY AND OTHERS
VERSUS
MANUAL ZINGORAO THORAT AND OTHERS.

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Advocate for Petitioners : Shri V.P.Golewar
h/f Shri A.R. Joshi

Advocate for Respondents 1(a) to (d): Shri D.V.Tele
h/f Shri P.N.Muley

AGP for Respondent 2 : Shri N.T.Bhagat

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 16, 2017

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PER COURT :-

1. The representatives of the respective sides are present in the Court today.
2. Considering that the matter is amicable resolved between the parties, I had passed the following order on 9.2.2017:-

“1. Learned Advocates for the respective sides submit that the legal heirs of the deceased employee have practically arrived at a settlement with the petitioners. Tentatively, the deceased respondent would be treated as notionally continued in service from the date of termination, the legal heirs would not claim back wages for this period and by reckoning his continued service, the legal heirs would be entitled to pensionary benefits which the deceased would

have been entitled to.

2. Stand over to 16/02/2017 for 'passing orders' as the litigating sides desire to place the compromise terms on record."

3. Pursuant to the above, the litigating sides present in the Court submit that the matter is settled so that the legal heirs shall be entitled for pensionary benefits, which the deceased / respondent would have otherwise been entitled to and they would not claim the backwages for the period from the date of termination till the age of superannuation of the deceased.

4. Notional continuity of service from the date of termination till the date of superannuation for calculating the benefits will be granted.

5. Considering the above, this petition is disposed off. Learned Advocates for the respective sides submit that the terms of the compromise would be filed within one week in this Court and accordingly, the petitioner / management would submit the proposal for the pensionary benefits to be extended to the legal heirs of the deceased within six weeks from today.

6. As such, the competent authority, after receiving the said

proposal, shall accordingly, issue necessary orders in accordance with law, within a period of eight weeks thereafter.

7. Pending Civil Application, if any, stands disposed off.

(RAVINDRA V. GHUGE, J.)

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