

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2267 OF 2016

Shetkari Shikshan Mandal, Dholgarwadi] Petitioner
Vs.
Shri Raju Dhondiba Kaginkar & Ors.] Respondents

.....
Mr. Nitin P. Dalvi, for petitioner.
Mr. Meelan Topkar, for respondent No.1.
Mr. Rohan Sawant, A.G.P for respondent No.5.
.....

CORAM : R.G. KETKAR, J.

DATE : 6th JULY, 2017.

P.C.

Heard Mr. Dalvi, learned Counsel for petitioner, Mr. Topkar, learned Counsel for respondent No.1 and Mr. Sawant, learned A.G.P for respondent No.5.

2. Perused the order dated 4th July, 2017. In pursuance of that order, Mr. Dalvi has tendered photo copy of the communication dated 5th June, 2017 sent by President of the petitioner to him. By that communication, Mr. Dalvi is informed that respondent No.1 will be reinstated to his original post with consequential benefits, increment, seniority and continuity of service within 15 days and that he will be paid regular salary from

10th December, 2015. He is further instructed to obtain permission of this Court to hold *de novo* inquiry against the first respondent in accordance with law. Communication is taken on record and marked 'X' for identification.

3. Mr. Dalvi further states that demand draft tendered by the petitioner in the Office of this Court will be withdrawn and petitioner will issue fresh demand draft or cheque in favour of the first respondent representing 20% compensation from the date of termination i.e from 5th February, 2014 till 9th December, 2015. Statement made by Mr. Dalvi on instructions is recorded.

4. In view thereof, Petition is allowed to be withdrawn with liberty to the petitioner to hold *de novo* inquiry against the first respondent in accordance with law on the basis of the charge-sheet already issued. Before proceeding with inquiry, petitioner shall reinstate the first respondent within 15 days from today with consequential benefits, increment, continuity of service and seniority and also make payment of back wages @ 20% as compensation for the period from 5th February, 2014 to 9th December, 2015 within 15 days from today. The petitioner shall go on paying salary from 10th December, 2015. Arrears for the period from 10th December, 2015 onwards shall be paid within two months from today. Office to return demand draft to the petitioner. Order accordingly.

[R.G. KETKAR, J.]