

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1585 OF 2017
IN
WRIT PETITION NO.4951 OF 2016**

Shri Prakash Ramchandra Surywanshi ... Applicant

In the matter between

Shri Prakash Ramchandra Surywanshi ... Petitioner
Versus

Vasandada Patil Ayurvedic Medical
College and Institute of Yoga, Sangli ... Respondent

.....

Mr. Kuldeep U. Nikam for the Applicant/Petitioner.

Mrs. Pavitra Manesh i/b Meelan Topkar for the Respondent.

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CORAM : PRASANNA B. VARALE, J.

DATE : 4 SEPTEMBER 2017

P.C. :

. By the present application, the Applicant is before this Court for modification of the order of this Court dated 21 December 2016. My attention was invited to the order dated 21 December 2016. At the outset, learned Counsel appearing for the Applicant orally pray for amendment to the application by placing on record a copy of the order of this Court dated 21 December 2016. Learned Counsel submits that though in paragraph-2 of the application, it is submitted that a copy of the order dated 21 December

2016 is annexed to the application, the same is not annexed to the application inadvertently. The copy remained to be annexed with the Application. Oral prayer for amendment to the application by placing on record a copy of the order dated 21 December 2016 is allowed. The necessary amendment be carried out during the course of the day. By inviting my attention to the order dated 21 December 2016, it was submitted that the parties have arrived at the settlement and the consent terms were placed on record duly signed by the Petitioner and the Respondent and their respective Advocates. Learned Counsel thus submit that then submits that the parties intended to use the term 'Voluntary Retirement' instead 'resignation' in the 'Consent Terms'. However, inadvertently, the terms 'resignation' is referred to in the consent terms. It was submitted by learned Counsel that by accepting the voluntary retirement, the Petitioner may be benefited and for the terms 'resignation' referred to, it may create some technical problem for the retirement benefits. Learned Counsel appearing for the Respondent is having no objection for the necessary modification in view of the above referred facts.

2 The parties are permitted to modify the consent terms by referring to words 'voluntary retirement' instead of word 'resignation' appearing in clauses-1, 2 and 3 of the consent terms. It is further made clear that the

Petitioner shall comply with the part referred to in the consent terms and the Respondents to forward all documents to the concerned Government Department for necessary sanction of pension and gratuity payable to the Petitioner. It is further made clear that as the State Government was not party to the petition, the concerned department on receiving these papers, may pass a suitable orders in view of the prevailing rules and on the merits of the case papers. The amendment to be carried out during the course of the day.

3 The civil application is disposed of accordingly.

(PRASANNA B. VARALE, J.)