

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 13423 OF 2016**

The Chairman, Sou. Sushila Danchand Ghodawat
Charitable Trust and another ... Petitioners

Versus

Mr. Anantkumar Tulshidas Pol and others ... Respondents

WITH

WRIT PETITION NO. 9160 OF 2017

Mr. Anantkumar Tulshidas Pol ... Petitioner

Versus

The Chairman, Sou. Sushila Danchand Ghodawat
Charitable Trust and others ... Respondents

Mr. M.S. Topkar for the Petitioners in Writ Petition No.13423 of 2016 and the
Respondent Nos.1 and 2 in Writ Petition No.9166 of 2017.

Mr. C.G. Gavnekar alongwith Mr. G.S. Hiranandani for the Petitioner in Writ
Petition No.9160 of 2017 and the Respondent No.1 in Writ Petition No.13423 of 2016.

Ms. Vaishali Nimbalkar, AGP, for the Respondent No.3 in Writ Petition No.13423 of
2016 and Respondent No.4 in Writ Petition No.9160 of 2017.

CORAM : S.J. KATHAWALLA, J.

DATED : 16th NOVEMBER, 2017

P.C.:

1. Writ Petition No.13423 of 2016 is filed by the Petitioners – The Chairman, Sou. Sushila Danchand Ghodawat Charitable Trust (*“Management”*) and others against Mr. Anantkumar Tulshidas Pol (*“Professor Employee”*), wherein the Petitioner has impugned the order dated 10th February, 2016 passed by the Presiding Officer, University and College Tribunal / Savitribai Phule Pune University / Shivali / Solapur University, the operative part of which reads as under :-

“1) *Appeal is partly allowed.*

2) *Order of termination dated 6-6-2014 is quashed and set aside.*

3) *Respondents are directed to pay the back-wages from the date of termination*

till the date of order of this Tribunal and in lieu of relief of reinstatement to pay compensation equal to six month's emoluments to the appellant, within two months from the date of this order.

4) *In the circumstances, parties to bear their own costs."*

2. Writ Petition No.9160 of 2017 is filed by the Professor Employee against the Management. In his Writ Petition, the Professor Employee has also impugned the order dated 10th February, 2016.

3. According to the Management, the Tribunal ought not to have quashed the order of termination and also ought not to have ordered payment of any back-wages or any amount in lieu of reinstatement. However, when this Court suggested to the parties that they should attempt to amicably resolve the matter, the Learned Advocate appearing for the Management has on instructions proposed that the management shall in addition to the compensation deposited in this Court which is equal to the six months' emoluments, also pay 50% back-wages from the date of termination till the date of the order passed by the Tribunal to the Professor employee if he agrees not to insist on quashing of his termination and for reinstatement in Writ Petition No.9160 of 2017. The Learned Advocate appearing for the Professor employee has in turn on instructions stated that his clients will not press for reinstatement if reasonable back-wages are paid to the Professor employee by the Management and that his client is willing to leave the decision qua quantum of back-wages to the Court. He has further submitted on instructions that upon payment of such back-wages as decided by the Court and granting permission to the Professor employee to withdraw the amount

deposited in this Court which is equal to six months' emoluments alongwith interest accrued thereon and upon issuing an experience certificate to the Respondent, he shall not insist on reinstatement. Both the parties have agreed to amicably settle the dispute as decided by this Court. In view thereof, the following order is passed :-

(a) The Order passed by the Presiding Officer, University and College Tribunal / Savitribai Phule Pune University / Shivali / Solapur University in Appeal No.4 of 2014 (S), dated 10th February, 2016 is set aside.

(b) The statement made on behalf of the Professor employee that he is not insisting on reinstatement is accepted.

(c) The Management shall pay 50% back-wages from the date of termination till the date of order passed by the Presiding Officer, University and College Tribunal / Savitribai Phule Pune University / Shivali / Solapur University directly to the Professor employee within a period of four weeks from today.

(d) The Professor employee shall be entitled to forthwith withdraw the compensation equal to six months' emoluments deposited by the Management in this Court alongwith interest accrued thereon, if any.

(e) The Management shall within a period of two weeks from today issue an Experience Certificate to the Professor employee.

4. In view of this order, the above Writ Petition No.13423 of 2016 alongwith Writ Petition No.9160 of 2017 stand disposed off.

(S.J.KATHAWALLA, J.)