

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 714 OF 2017

Anjuman – I – Islam Secretariat & Anr. ...Petitioners
vs.
Chandrasekhran Menon & Anr. ...Respondents

Mr.A.G. Kothari for Petitioners.
Ms.Seema K. Chopda for Respondent No.1.
Mr.Manish Upadhyia, AGP for Respondent No.2.

CORAM : PRASANNA B. VARALE, J.

DATE : 19 SEPTEMBER 2017

P.C. :

Heard learned Counsel for the Petitioners as well as Respondent No.1.

2 Perused the order of this court 28 July 2017. By recording the submission of learned Kothari for the Petitioners that the Petitioners have deposited an amount of Rs.8,25,919/- (amount of gratuity Rs.6,26,289/- and 10% interest upto 7 February 2015, i.e. Rs.1,99,630/-) in the Industrial Court / Appellate Authority under the Payment of Gratuity Act, the request made by Counsel for the Petitioners for withdrawal of the amount was permitted by this court.

3 Learned Counsel appearing for the Petitioners as well as Respondent No.1 submits that the parties have arrived at settlement. The terms agreed between the parties are, namely, Respondent No.1 will be permitted to withdraw sum of Rs.1,10,000/- as *ex gratia* from the amounts

deposited by the present Petitioners before the Appellate Authority under the Payment of Gratuity Act. The amount of Rs.1,10,000/- is in full and final settlement of all the rights, claims and dues including employment and non-employment dues / gratuity, etc. of Respondent No.1. The Petitioners will be entitled to withdraw the balance amount of Rs.89,630/- along with the interest, if any remaining after withdrawal of Rs.1,10,000/- by Respondent No.1 which is deposited before the Appellate Authority under the Payment of Gratuity Act, 1972. Respondent No.1 will be entitled to gratuity and pension in accordance with the Government Resolution dated 10 August 2016. The order passed by the Controlling Authority dated 26 November 2014 and order passed by the Appellate Authority dated 26 July 2016 is quashed and set aside. The Petitioners and Respondent No.1 confirm that the disputes and differences amongst or against each other have been fully and finally settled. There are no pending demands, disputes, differences or claims. Respondent No.1 undertakes that he would not make any further claim, demand of any nature whatsoever, financial or otherwise against the Petitioners. The undertaking given to this court is accepted. The terms settled between the parties and placed before this court by way of Minutes of order is duly signed by the Petitioners and Counsel for the Petitioners and Respondent No.1 and Counsel for Respondent No.1. The petition is disposed of in the above terms.

4 It is submitted that in an affidavit on behalf of the State Government through Assistant Director of Ayush, certain procedural formalities in respect of submission of the requisite documents, like option form, the service book, was referred to. It is submitted that the Counsel for the Petitioners made a statement before this court on 28 July 2017 that the Petitioners have complied with the requisitions made in para 3 of the

affidavit of Shri Venkat Purushottam Dharmadhikari, Assistant Director of Ayush in this petition as also Writ Petition No.390/2017. Learned AGP appearing for Respondent No.2 State confirms this fact.

5 Counsel for the Respondent No.1 submits that as the Respondent is seriously ill and is under medical treatment, the necessary formalities be completed by the concerned department and if a proposal is pending before the Accountant General, Mumbai Office, the Accountant General, Mumbai Office be directed to pass suitable orders, as expeditiously as possible. The prayer of learned Counsel for Respondent No.1 is justified. If the proposal is received by the Office of the Accountant General, Mumbai, the same be decided by the Accountant General's Office, as expeditiously as possible and preferably within eight weeks, if it is so received by the office of the Accountant General. The Minutes of order placed on record, marked "X" for identification.

(PRASANNA B. VARALE, J.)