

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (W) NO...../2017 (filed in Court)

IN

WRIT PETITION NO. 853/2002

(Ku. Ranjana Mahadeo Wanjari vs. The State of Maharashtra and others)

AND

WRIT PETITION NO. 4000/2001

(Swargiya Harishchandra Bahuuddeshiya Shikshan Sanstha vs. Deputy Director, Nomadic Tribe
Vimukta Jati, OBC and SBC Dev. Department and others)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
(W.P No: 853/2002)

Mr. A.Z.Jibhkate, Advocate for the petitioner
Mr. VP Maldhure, AGP for respondent no.1
Mr.A.P.Thakre, Advocate for respondents 5 and 6

(W.P.No. 4000/2001)

Mr. A.P.Thakre, Advocate for the petitioner
Mr. VP Maldhure, AGP for respondent nos.1, 2 and 4
Mr. A.Z.Jibhkate, Advocate for respondent no.3

CORAM : R.K.DESHPANDE &
MRS.SWAPNA JOSHI, JJ.

DATED : 25th July, 2017.

The Civil Application for disposal of the petitions in terms of settlement arrived at between the parties tendered to us by the petitioner. Along with the Application, the terms of amicable settlement arrived at between the petitioner and the respondent nos. 5 and 6 are annexed and the same are marked as "X" for identification.

2. Shri A.Z. Jibhkate, the learned counsel along with petitioner in person in Writ Petition No 853/2002, is present

before this Court and has signed the terms of settlement. Shri Thakre, the learned counsel appearing for respondent nos.5 and 6 submits that the respondent nos.5 and 6, both are present before this Court. They have put their signature. The learned counsel appearing for the parties have also signed the terms of settlement which are reproduced below :

“(1) *The petitioner has agreed not to claim payment of her salary for the period 13.4.2000 to 9.9.2002 from the Respondent nos. 5 and 6.*

(2) *The Respondent No.5 and 6 have agreed to condone the break for the period 13.04.2000 to 9.9.2000 and regularize services of the petitioner in compliance of directions of Respondent No.3 vide order dated 27.3.2001 and grant continuity of service with all consequential benefits with increments.*

(3) *The Respondent No.5 and 6 further agreed for refixation of pay-scale of the petitioner from the concerned officer within 15 days, on account of increments for the period referred above. So also, agreed to extend benefits of Senior Grade Pay-scale, taking into consideration the above referred period as a continuous service period and also refixation thereafter from the concerned Officer within 15 days.*

(4) *The Respondent no.5 and 6 agreed to submit pay bills of arrears of salary on account of difference in pay-scale after refixation with correct calculation to the concerned authorities within 15 days after above referred refixation. They also agreed to submit correct and accurate pension case papers of the petitioner to the concerned authorities within 15 days after the period referred above and complete all formalities for withdrawal of provident fund, payment of gratuity and all retirement benefits to the appropriate authority without any further delay.*

The petitioner and Respondent No.5 and 6 agreed for disposal of present petition on the above terms with a request to this Hon'ble Court to issue appropriate direction to the concerned authorities to finalize the case papers of the petitioner and release all retirement benefits within stipulated period and the terms of the compromise may kindly be recorded as undertaking to this Hon'ble Court."

3. The petitioner was appointed on 16.6.1993 as an Assistant Teacher and promoted on 1.10.1998 as Headmistress. She was terminated on 3.4.2000 and the Appeal preferred by her before the Divisional Social Welfare officer/respondent no.3 was partly allowed directing reinstatement in service and also granting the backwages. In Appeal, the Director, who is the respondent no. 2 in this petition modified the order. The order of reinstatement is

maintained but the order of back-wages is set aside. Hence both these petitions are preferred – one by the employee and the other by the Management.

4. It is an undisputed position that the petitioner was reinstated in service on 9.9.2002 and she attained the age of superannuation on 31.1.2017. The petitioner was out of employment from 13.4.2000 to 8.9.2002. In the light of this, we find that the terms of settlement are just and proper. We, therefore, dispose of the writ petitions in terms of the settlement which is reproduced above. We also direct the respondent nos.3 and 4 to act on the basis of the order passed by the Joint Director on 27.3.2001 along with the terms of the settlement arrived at between the parties and to release all the emoluments payable to the petitioner, within a period of three months from the date of compliance of all the formalities by the respondent nos.5 and 6.

JUDGE

JUDGE

sahare