

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4009 OF 1995

Chief Executive Officer,
Jalgaon Zilla Dekhreh Sahakari
Society Ltd., Jalgaon
Dist. Jalgaon

-- PETITIONER

VERSUS

Bapurao Dagadu Sonawane,
Age-45 years, Occu-Agriculturist,
R/o Bhardu, Post : Hated Bk.
Tal.Chopda, Dist. Jalgaon

-- RESPONDENT

Ms.Kalyani Deshmukh h/f Mr.P.R.Patil, Advocate for the petitioner.
Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/06/2018

ORAL JUDGMENT :

1. This matter was heard for quite some time on 05/06/2018 and 15/06/2018.

2. After the hearing of this matter today, the controversy has been reduced considerably and this petition can be disposed of in view of the statements of the learned Advocates made on instructions from the respective litigating sides.

3. There is no dispute that the respondent had joined duties about 4 decades ago. After his termination, he succeeded in getting reinstatement in service under the orders of the competent authorities. He resumed duties with continuity on 12/11/1997 and he voluntarily relinquished his service on 31/10/2002.

4. A Communication dated 27/09/2016 under the signature of the Chief Executive Officer of the petitioner, indicates that the petitioner had joined duties on 01/07/1971 and owing to his resignation on 31/10/2002, he has put in 31 years in service. The self attested copy of the said communication tendered by the learned Advocate of the respondent is taken on record and marked as Exhibit "X" for identification.

5. Learned Advocate for the petitioner, upon taking instructions on the document Exhibit "X", submits that the respondent would be eligible for retiral benefits after having put in 31 years in service.

6. Considering the above, I find that this petition is left of an academic interest and can be disposed of as both the sides are satisfied and the dispute no longer survives.

7. As such, this petition is disposed of in view of the statements made by the respective sides. Rule is discharged.

8. Needless to state, the respondent would be entitled for the retiral benefits as may be admissible to him in view of the above. Since the respondent is now a senior citizen and is awaiting his retiral benefits, it is expected that the petitioner would submit his proposal for retiral benefits to the competent authorities in accordance with the provisions as are applicable, expeditiously and preferably within a period of 6 weeks.

(Ravindra V.Ghuge, J.)