

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 516 OF 2005
WITH
WRIT PETITION NO. 1724 OF 2016

KISHAN SHIKSHAN PRASARAK MANDAL, UDGIR, LATUR
AND ANTOEHR
VERSUS
CHANDRAKANT YADAVRAO WALLURE AND ANOTHER

Advocate for Petitioner : Mr. V.D. Gunale
with Mr. V.G. Kodale.
Advocate for Respondent No. 1 : Mr. P.G. Deshmukh
h/f. Mr. Y.P. Deshmukh.
AGP for State : Mr. N.T. Bhagat.
AGP for State in WP No. 1724/16 : Mr. N.T. Bhagat

CORAM : RAVINDRA V. GHUGE, J.
Dated : 04th December, 2018

PER COURT :

1. Both these matters were not on board. A motion was moved that the employer involved in both these petitions has arrived at an amicable settlement with his employee and both these petitions can be disposed of. Hence taken on the production board.

2. Both these matters were heard together in view of the order dated 05/05/2016. The petitioner in the first petition is the Management which is the respondent in the second petition. The respondent No. 1 in the first petition is the employee who is the petitioner in the second petition. With regard to both disputes inter se between the said employee and the Management, the litigating sides

have resolved the dispute and have tendered the compromise terms dated 28/11/2018 in both these petitions.

3. As such, both these compromise terms are taken on record and marked as 'X' for identification in each of these petitions.

4. Learned AGP appearing on behalf of the statutory authorities has gone through the terms of the documents 'X'. He submits that the government will not entertain any claim for back wages to the employee, unless he is legally and procedurally entitled to it. He adds that financial burden will not be shouldered by the government, except as per rules. The statutory authorities would not accept the claim of the employee if it is not in conformity with the provisions of law. The litigating sides accept this statement.

5. Considering the above, both these Writ Petitions are disposed of in terms of compromise 'X'. It is made clear that the statutory authorities who are respondent No. 2 in the first petition and respondent No. 4 in the second petition, would consider the claim of the employee, if it is in conformity with the rules. It is made clear that the disposal of the Writ Petitions in terms of the documents 'X' would not mean that this Court has sustained the entitlement of the employee for back wages to be recovered from the State Government.

6. Rule, is therefore, discharged.

7. It is accepted that the statutory authorities would consider the proposal sent by the Management in view of the above observations, within a stipulated period of about twelve weeks.

(RAVINDRA V. GHUGE, J.)

S.P.C.