

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11430 OF 2018

RAJARAM DNYANDEO NAKADE
VERSUS
THE PRESIDENT SAVITRIBAI PHULE SHAIKSHANIK AND ORS

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Advocate for Petitioners : Shri Dharurkar C.V. h/f Dr.Godbole R.J.
Advocate for Respondents 1 to 3 : Shri Nangre P.R.
AGP for Respondent 4 : Shri Kutti P.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 16, 2018

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PER COURT :-

1 I have heard the learned Advocates for the respective sides and the learned AGP for respondent No.4 / Education Officer.

2 Grievance of the petitioner / original appellant and respondents 1 to 3 / management is that they arrived at compromise terms on 20.1.2018 before the School Tribunal in Misc. Application No.52 of 2016. Since, respondent No.4 / Education Officer did not take a stand by remaining absent, the School Tribunal has rejected the compromise terms Exhibit 27.

3 The learned Advocates for the appellant and the management jointly submit as follows:-

(a) All charges shall be withdrawn by the management levelled against the appellant and his dismissal order dated 20.8.2016 shall stand recalled.

(b) The appellant has waived entire backwages from the date of his termination till his actual reinstatement on 1.1.2017.

(c) The management agrees to grant continuity in service.

(d) No financial burden of any nature, whatsoever, is being placed on the State exchequer and the Education Department does not have to pay any arrears or amounts to the appellant in pursuance to the compromise terms.

(e) Both these sides, therefore, agree to abide by the compromise terms dated 20.1.2018 at Exhibit 27.

4. In view of the above, this petition is partly allowed. The impugned order dated 29.6.2018 is quashed and set aside. Appeal No.52 of 2016 shall, therefore, stand disposed off in terms of the compromise dated 20.1.2018. Needless to state, the management would forward the proposal of the appellant in terms of the compromise for approval of his service, within four weeks from today and the Education

Officer shall accordingly, take a decision within four weeks thereafter.

5. The School Tribunal shall forthwith pass a final order disposing of the appeal, in view of the order of this Court.

(RAVINDRA V. GHUGE, J.)

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