

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.713 OF 2017
WITH
CIVIL APPLICATION NO.714 OF 2017
IN
WRIT PETITION NO.9618 OF 2015**

Shakuntala Vinayak Mate .. Applicant/Petitioner.

Vs.

Shruti Vilas Deshpande & Ors. .. Respondents.

**WITH
WRIT PETITION NO.9618 OF 2015**

Shruti Vilas Deshpande .. Petitioner.

Vs.

State of Maharashtra & Ors. .. Respondents.

Mr. Pradeep Thorat for the applicant in CAW 713/2012

Mr. Navin Arora i/b Mr.Vijay Dighe for respondent in CAW 713/2012.

Ms.Vaishali Nimbalkar AGP for the State.

CORAM : A.K. MENON, J.

DATED : 15TH JANUARY, 2018

P.C. :

1. This Civil Application is taken out by the applicant, who is the Secretary of Morya Shikshan Sanstha. She seeks impleadment in the above writ petition in view of the fact that there has been change in the management of the third respondent – Sanstha as a result of which it is

submitted by Mr.Thorat that the wages payable to the petitioner has not been paid on account of the suspension of the petitioner from the post. Mr.Thorat, learned counsel states that on account of change in management, the present management has restored her position as a Senior Clerk and the suspension order has been withdrawn as evident from the communication dated 23rd January, 2017 at Exhibit-C to the Civil Application. Learned counsel for the petitioner confirms that the petitioner has been reinstated in her post. The fact has been acknowledged by the letter dated 2nd February, 2017.

2. The only issue that now arises in the main petition is payment of backwages for the period of suspension. Today, Mr.Thorat has handed over a cheque Rs.7,60,344/- being total amount of backwages due to the petitioner. Learned counsel for the petitioner on instructions of his client who is present in Court confirms that computation of the backwages till date of reinstatement is accurate and that the petitioner accepts the same. He further states that during the period of suspension she was not paid and she remained without any source of income since she could not take up employment elsewhere. He, therefore, seeks to be compensated for the said period by way of interest.

3. After this matter was heard for sometime both the parties have arrived at mutually acceptable solution as far as the compensation is concerned. The applicant through its counsel Mr.Thorat very fairly offered to pay Rs.50,000/- over and above the backwages. The petitioner, who is

present in the Court accepts the same in full and final settlement till the date of reinstatement. In the circumstances all disputes in the petition are resolved. It is stated on behalf of the applicant that the said sum of Rs.50,000/- will be paid within a period of two weeks. The Statement is accepted.

4. In view of the aforesaid development, learned counsel for the petitioner, on instructions, states that he will withdraw the petition, subject to his right to apply in the event, the cheque is not honoured and/or if the sum of Rs.50,000/- is not paid. I, therefore, pass the following order :

(i) Civil Application is allowed in terms of prayer clause (a). Amendment to be carried out forthwith. Re-verification dispensed with.

(ii) On the application of the petitioner, the petition is allowed to be withdrawn.

(iii) In the event the cheque of Rs.7,60,344/- is not honoured, liberty to apply. Further, liberty is granted to apply even if the sum of Rs.50,000/- is not paid within a period of two weeks i.e. on or before 30th January, 2018.

(iv) Civil Application No.714 of 2017 is rendered infructuous. The Vakalatnama filed in Civil Application No.713 of 2017 of Mr.Thorat shall be treated as appearance in the main petition.

(v) The petition is disposed of in above terms.

(A.K. MENON,J.)