

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1110 OF 2020
MAHENDRA HIRAMAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 1127 OF 2020
VIJAY NATHA AADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 1122 OF 2020
UDDHAV PURUSHOTTAM BIDWAI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 1114 OF 2020
SACHIN SAWALIRAM DANGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 1128 OF 2020
ANIL GOVINDRAO KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 13897 OF 2019
SHAIKH BASHIR SHAIKH ABDUL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 7 to 9: Mr. V. D.
Hon, Senior Advocate i/b. Mr. A. V. Hon

...

WRIT PETITION NO. 12830 OF 2019
ANIL GOVINDRAO KALE AND OTHERS
VERSUS
MAHARASHTRA ACADEMY OF ENGINEERING AND EDUCATION
RESEARCH, THROUGH ITS REGISTRAR AND OTHERS

...

Advocate for Petitioner:
Mr. B. L. Sagar Killarikar
AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondent No. 2: Mr. V. D. Hon,
Senior Advocate i/b. Mr. A. V. Hon

...

**WRIT PETITION NO. 2079 OF 2020
WITH
CIVIL APPLICATION NO. 2919 OF 2020
ANIL APPARAO KOLTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner:

Mr. P. R. Patil

AGP for Respondents/State: Mr. K. B. Jadhavar
Advocate for Respondents No. 4 & 5: Mr. V. D. Hon,
Senior Advocate i/b. Mr. A. V. Hon

...

**CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATE: 02nd NOVEMBER, 2020

PER COURT:

1. These group of writ petitions are filed by the employees against the management challenging orders of termination.

2. We have heard Mr. Sagar Killarikar, learned Counsel for the petitioners and Mr. Hon, learned Senior Advocate for the respondents.

3. After hearing the matter for some time, the deliberation took place as to whether the management would withdraw the orders of termination and the petitioners would waive back-wages to some extent.

4. Mr. Sagar Killarikar, the learned counsel submits that the petitioners would waive 50% of the back-wages whereas Mr. Hon, learned Senior Advocate upon instructions submits that the respondent would withdraw the termination orders, however it would not be possible to pay the back-wages because of the lock-down and the financial stringencies faced by the respondent. According to Mr. Sagar Killarikar, learned counsel for the petitioners, the balance sheet of the institution does not suggest that the respondent is facing financial crisis.

5. We need not enter into such debate. The grant of back-wages would be discretionary.

6. Considering the gesture on the part of the respondent of withdrawing the termination orders and also the gesture on the part of the petitioners that they are ready to waive the back-wages to some extent, we pass the following order.

7. The orders of termination passed against the petitioners by the respondent stands set aside as withdrawn.

8. The respondent / management shall pay the petitioners Rs.7,500/- per month towards back-wages from 10.08.2019 till today. The petitioners can re-join the duties from 03.11.2020.

9. Mr. Sagar Killarikar, the learned counsel for the petitioners, on instructions, submits that upon the petitioners joining their duties; the petitioners would withdraw the contempt petitions filed against the respondent / management and their office bearers bearing Contempt Petition No. 758 of 2019 and Contempt Petition No. 12861 of 2019. The statement is accepted.

10. The amount of arrears at the rate of 7,500/- from 10.08.2019 till date shall be paid by the respondent to the petitioners within one (01) month from today.

11. Writ Petitions stand disposed of in above terms. The Civil Application also stands disposed of.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

marathe