

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

43 WRIT PETITION NO.4976 OF 2021

TARACHAND VITTHALRAO MHASKE
VERSUS
SHRI SAIBABA SANSTHAN TRUST SHIRDI

...
Advocate for the petitioners : Mr.A.B.Kale
AGP for Respondent-State : Mr.S.G.Sangle
Advocate for Respondent no.1 : Mr.S.P.Salgar h/f.
Mr.N.V.Gaware

...
**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 18.04.2022

P.C. :

1. By this petition, the petitioner has put forth
prayer clauses-B and C, as under:

- B) To kindly direct respondent to pay amount of
Rs.17,50,000/- along with interest as per the
settlement arrived between the parties to the
petitioner within a period of one month from
today and for that purpose issue necessary
orders.
- C) To direct the respondent to deposit the amount
of Rs.17,50,000/- with interest till today in the
Court during the pendency and final disposal of
this Writ Petition.

2. We have considered the strenuous submissions of the learned Advocates for the respective sides. The respondent vehemently opposes this petition to the extent of grant of interest on the ground that though there was an agreement to settle the issue between the parties and the petitioner did tender his resignation, the resignation was not accepted. Nevertheless, the petitioner did not join duties pursuant to the resignation and attained the age of superannuation in 2019. He submits, on instructions, that the respondent is willing to release Rs.17,50,000/- to the petitioner in pursuance to the agreement as the petitioner has tendered his resignation and did not report for duties. This submission is based on the Resolution passed by the Sansthan on 24.09.2011. The learned Advocate for the respondent has relied on the affidavit in reply dated 18th April, 2022.

3. Considering the above, the only dispute between the parties is as to whether the petitioner would be entitled for the interest component on the amount of

Rs.17,50,000/-, which was payable to him in March 2012.

4. In view of the above, this petition is disposed off by directing the respondent to pay amount of Rs.17,50,000/- to the petitioner on or before 25th May, 2022.

5. In so far as the interest component is concerned, we leave the parties to consider the said issue and avail of the remedy as may be prescribed in law by approaching the Industrial Court under item 9 of Schedule IV of the MRTU & PULP Act, 1971 or by raising an industrial dispute under Section 2(k) of the I.D. Act, 1947.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]