

CORAM : Shri G.S. Patel J

Sharmila v Deshmukh

Date :- 23/11/22

23/11/2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5258 OF 2021

District: RATNAGIRI

1. Mrs. Rajeshri Rajendra Deokar.)
Age 61 years, Occ: Housewife)
2. Ms. Rupali Rajendra Deokar)
@ Rupali Bhosale)
Age 40 years, Occ: Housewife.)
3. Ms. Sona Rajendra Deokar)
@ Sonali Bhosale)
Age 38 years, Occ: Housewife)
4. Mr. Pankaj Rajendra Deokar)
Age 30 years, Occ: Service)
All the above 1 to 4 are residing)
At Post Aregaon, Bhandarwada,)
Tal: Guhagar, Dist: Ratnagiri 415703) ...Petitioners

Vs.

Maharashtra State Road Transport)

Corporation having its office at)

* 21/11/22 * Bhosale * Bhosale * P. R. Rana

Peena

VahatukBhavan, Dr. A. Nair Marg,)
 Bellasis Road, Bombay Central)
 Bombay-400 008.) ...Respondent

AND

WRIT PETITION NO. 9409 OF 2013

Maharashtra State Road Transport)
 Corporation having its office at)
 VahatukBhavan, Dr. A. Nair Marg,)
 Bellasis Road, Bombay Central)
 Bombay-400 008.) ...Petitioner

Versus

Shri Rajendra Deokar (since deceased)
 through legal heirs)

1. Mrs. Rajeshri Rajendra Deokar.)
 Age 61 years, Occ: Housewife)
2. Ms. Rupali Rajendra Deokar)
 @ Rupali Bhosale)
 Age 40 years, Occ: Housewife.)
3. Ms. Sona Rajendra Deokar)
 @ Sonali Bhosale)
 Age 38 years, Occ: Housewife)

* 21/11/17 21.11.17 * Bhosale * Bhosale * (Rajendra) *

4. Mr.Pankaj Rajendra Deokar)
 Age 30 years, Occ:Service)
 All the above 1 to 4 are residing)
 At Post Aregaon, Bhandarwada,)
 Tal: Guhagar, Dist: Ratnagiri 415703) ... Respondent

CONSENT TERMS

- 1) For sake of brevity the Legal Heirs of Shri. Rajendra Deokar, shall herein after be termed as Petitioners and MSRTC Corporation shall be referred to as the Respondent.
- 2) The Petitioners herein are the only legal heirs, successors and representatives of deceased Mr. Rajendra Vidyadhar Deokar, who was employee (employment no.20300) of the Respondent Corporation in the present matter. Mr. Rajendra Vidyadhar Deokar expired on 24.02.2021.
- 3) The Respondent Corporation had initiated disciplinary action against Mr. Rajendra Vidyadhar Deokar by issuing a show cause notice on 05.02.2009 for Dismissal from service. Mr. Rajendra Vidyadhar Deokar had challenged the said Notice by filing Complaint (ULP) No.16 of 2009, before the Ld. Labour Court at Ratnagiri, who by his Judgment and Order dated

x 21/6/11) 2.7.498. Bhosale Bhosale Pr. D. D. D.

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23.03.2010, had set aside the Show Cause Notice dated 05.02.2009, however liberty was granted to Respondent Corporation to inflict any other punishment upon the employee, other than that of dismissal from the service.

4) The Respondent Corporation had challenged the said Judgment and Order by filing Revision Application before the Industrial Court at Kolhapur, which was dismissed by judgment and order dated 10.05.2013, and by virtue of which the Order of Ld. Labour Court came to be confirmed. Being aggrieved by the concurrent findings, the Corporation has filed Writ Petition No. 9409 of 2013 in this Hon'ble Court wherein "Rule" was issued and the same is pending for final hearing.

5) In the meanwhile, the employee Mr. Rajendra V. Deokar died on 24.02.2021, leaving behind the Petitioners as his only Legal Heirs. That the said legal heirs filed Writ Petition (St.) No.15583 of 2021 for seeking order/direction from this Hon'ble Court to MSRTC for releasing the Gratuity amount by the Corporation. That both the said writ petitions are pending as of date.

6) In the meantime, the parties have negotiated and have decided to amicably settle the dispute on the terms as under:

अभिधीनता प्रमाणित Prasade Prasade Prasade

a. The Corporation shall inflict the punishment of stoppage of two increments as and by way of alternate punishment. The same is agreeable and acceptable to the Petitioners.

b. The Corporation taking into consideration the above punishment inflicted has determined the amount payable to the deceased employee. That as per the said calculation an amount of Rs.3,66,188/- is payable to the Petitioners herein as and by way of gratuity payable to Mr. Rajendra V. Deokar.

c. The Petitioners Nos. 1 to 4 have jointly agreed to accept the said amount of Rs. 3,66,188/- (Rupees Three Lakh Sixty Six Thousand and One Hundred and Eighty Eight only) towards full and final settlement of their entire claim being gratuity payable to Mr. Rajendra V. Deokar in Writ Petition (St.) No. 15583 of 2021 and both parties agree that there is no further amount payable by Corporation to the Petitioners, save and accept the pension being paid as per rules.

d. It is agreed that the amount of Rs.3,66,188/- be directly paid to Mrs. Rajeshri Rajendra Deokar i.e.

x 10481 11.4.90 x Rajeshri x Rajendra x (R. V. Deokar)

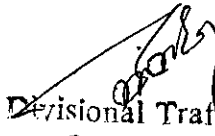
Deokar

Petitioner No.1 being wife of the deceased employer and be deposited in the bank account no. 140110100015332 of Bank of India, Branch Guhagar, IFSC Code BKID0001401; within a period of 3 weeks.

e. The parties undertake to abide by the consent terms and agree that the respective writ petitions can be disposed of in terms of these Consent Terms.

7) The Petitioners not being well versed and conversant with the English language and hence the terms and conditions contained herein have been clearly interpreted and explained to them by their Advocate in Marathi/ vernacular language. The parties have properly understood the same and have accepted the same and have only thereafter executed and signed these terms.

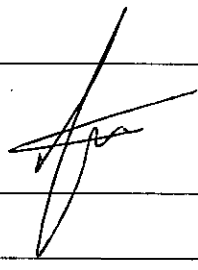
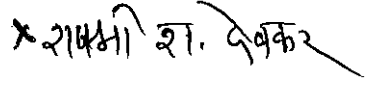
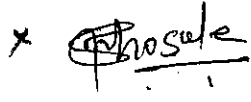
Signatures


Divisional Traffic Supdt.
S. T. Ratnagiri.

For Maharashtra State Road
Transport Corporation

(Authorised Signatory)


A.V. Jadhav
Divisional Traffic Supdt.
S. T. Ratnagiri.

Advocate for the Maharashtra State Road Transport Corporation	
Mrs. Rajeshri Rajendra Deokar Petitioner No. 1	X 
Ms. Rupali Rajendra Deokar @ Rupali Bhosale Petitioner No. 2:	X 
Ms. Sona Rajendra Deokar @ Sonali Bhosale, Petitioner No. 3	X 
Mr. Pankaj Rajendra Deokar Petitioner No. 4: (Written Consent for filing the present Consent Terms is already procured and the copy of the same is annexed herewith as "Annexure 1")	X 
Advocate for the Respondents- Claimants Adv. Jeenal Upadhyay	

Place: Mumbai

Dated : 20/11/22.

From: Smt. Rajeshri R. Deokar
Rupali R. Deokar
Sonia R. Deokar
Pankaj R. Deokar
Guhagar, Dist; Ratnagiri

Dated: 28th September 2022.

To

Ms. Jeenal Upadhyay,
Advocate, High Court,
Bombay.

Re: Filing of Consent Terms/settlement in Writ Petition No. 9409 of 2013.
Rajashri R Deokar & Ors Vs. Mah State Road Transport Corpn.

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Madam,

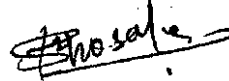
In the above writ petition filed by us against the MSRTC for dues of retirement benefit of our husband/father, we are now agreeing to the settlement. We are signing the attached settlement/consent terms as full and final settlement of our claim being legal heirs of deceased Rajendra Deokar.

We hereby give our consent to you to file the attached consent terms in the above petition and get it disposed off finally. On our behalf our son/brother will attend the Court hearing.

Yours truly,

राजेश्री राजश्री रा. देवकार

Smt. Rajeshri R. Deokar



Rupali R. Deokar


Sonia R. Deokar


Pankaj R. Deokar