

WRIT PETITION NO.4556/2008

- Versus -

The State of Maharashtra and others ... Respondents

Shri N.S. Rao, Assistant Government Pleader for Respondent
Nos. 1 to 4.

DATE : 7 APRIL 2022

P.C. :

This Petition is filed by the Management against their staff members and the Education Authorities. The dispute in the Petition originally pertained to order passed by the Education Authority. While issuing Rule in this Petition on 19 December

2008, the Petitioner had only pressed the issue regarding payment of backwages.

2. On 25 February 2022, the Petition came up on Board and it was adjourned at the joint request by following order :

"The issue in this Petition in respect of dispute between the Petitioner-Management and Respondent No.5 arose in the year 2008 when the Petitioner-Management submitted a proposal for approval of appointment of another employee but not of Respondent No.5.

2. It was a case of the Petitioner-Management that Respondent No.5 was declared excess. However, this dispute no longer survives in full vigour as Respondent No.5 is now in service since 4 August 2008 (according to Respondent No.5 from November 1999) and is getting regular salary.

3. The issue now remain is only a monetary claim for a particular period. Since Respondent No.5 is working regularly with the Petitioner-Management, it is expected that the parties to consider and arrive at a reasonable figure to put an end to the dispute. The learned Counsel for the Petitioner and Respondent No.5 also agree with the same.

4. To enable the learned Counsel to consult their respective clients and to hold a joint meeting, list this Petition in the week commencing 21 March 2022."

3. The learned Counsel for the parties state that the parties have held joint discussion and have agreed for certain terms and conditions and they tender a Pursis which is signed by the Counsel for the parties and Respondent No. 5. The Pursis is taken on record and marked as 'X' for identification.

4. The parties have agreed as under :

"01. That the petitioner management does not have any grievance about the approval granted to respondent No.5 with effect from 22.11.1999. Hence, the qualifying service of respondent No.5 shall be counted from 22.11.1999 for all benefits including retirement and pensionary benefits.

02. In so far as claim for salary from 22.11.1999 to 03.08.2008 is concerned, respondent No.5 has waived the said claim, even though the Education Officer had directed the petitioner Management to pay the salary of respondent No.5 for the said period. The petitioner management undertakes not to create/raise any dispute regarding appointment and continuation of Respondent No.5 and service benefit as per law.

03. Resp. No.5 undertakes that he shall not raise any claim against petitioner management regarding the salary payment from 22.11.1999 to 03.08.2008."

5. We have perused the compromise. There is nothing illegal in the same. The compromise is taken on record and the statements made therein are accepted.

6. Rule is made absolute in above terms. No order as to costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)