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

919 WRIT PETITION NO.7846 OF 2022
WITH
CIVIL APPLICATION NO.12726 OF 2022
IN WP/7846/2022

SYED YOUSUF SYED MOOSA
VERSUS
THE EDUCATION OFFICER (SECONDARY) AND OTHERS

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Mr C. V. Dharurkar, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent Nos.1 to 3
Mr P. V. Barde, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 2nd February, 2023

PER COURT:

1. This Court had granted time to the litigating parties, after the hearing on 06/01/2023, since they desired to explore the possibility of a settlement.
2. Today, the learned Advocate for the petitioner/employee and the learned Advocate for the respondent/Management, submit on specific instructions, that their statements may be recorded. The said statements/instructions are as under :-

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Petitioner

(a) The petitioner would tender a voluntary retirement application, addressed to the Chair Person of the Society on 07/02/2023.

(b) He would pray for waiving of the notice period.

(c) He would co-operate for completion of the pension papers, to be forwarded by the Education Officer to the appropriate authorities.

(d) He would be entitled for all retiral and service benefits.

Management

(a) The Management would accept the voluntary retirement application of the petitioner on 07/02/2023.

(b) The departmental enquiry posted today, would be adjourned and would be posted on 07/02/2023.

(c) The departmental enquiry would be closed on 07/02/2023 and by way of a formality, the Enquiry Committee would tender a report in a sealed envelope to the

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Management with the covering letter, indicating that the contents of the sealed envelope is the Enquiry Report.

(d) On 07/02/2023, by waiving the notice period, the Management would accept the voluntary retirement application.

(e) By 15/02/2023, the pension papers would be forwarded by the Respondent management to the appropriate authorities and the Management would fully co-operate for ensuring that the pension papers are cleared.

(f) The Management would not go into the enquiry report and would not initiate any disciplinary action against the petitioner.

(g) The voluntary retirement of the petitioner would be blot-less and he would be entitled for all retiral and service benefits.

3. The above statements on behalf of the petitioner and the Management are recorded. We, therefore, direct the Education Officer to scrutinize the pension papers and after completing the formalities, forward the pension papers to the appropriate

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authorities, on or before 15/04/2023. The Gratuity amount would be payable to the petitioner as per the Rules.

4. We hold that these litigating sides would be restrained from resiling from the statements made and no further dispute with regard to any controversy inter-se between the petitioner and the Management, would be entertained by any Authority, Tribunal or the Court.

5. Needless to state, this order would not influence the pending criminal proceedings and the pendency of the criminal proceedings would not be a ground for resiling from the above statements.

6. In view of the above, by the consent of the parties, this writ petition as well as the civil application stand disposed off.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk