

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10335 OF 2023

Nashik Diocesan Council & Ors.

.. Petitioners

Versus

Smita Suhas Bittise

.. Respondent

-
- Mr. Amol A. Shinde for Petitioners
 - Ms. Gauri K. Jadhav, Advocate appointed for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 19, 2023

P.C.:

1. Heard Mr. Shinde, learned Advocate for Petitioners and Ms. Jadhav, learned Advocate appointed for Respondent.

2. Both the learned Advocates have made submissions in Court to pass an order as they have received appropriate instructions from their respective clients who are also present in Court incidentally and in that view of the matter, without delineating into any of the contentious facts on record, I have considered the pleadings i.e. additional affidavit filed by Petitioner in compliance of the order dated 22.08.2023 and the affidavit-in-reply filed by Respondent dated 05.12.2023.

3. At the outset, Mr. Shinde in his usual fairness as informed the Court during the course of hearing held yesterday through video conferencing that he has prevailed upon his clients and a cheque of

Rs. One Lakh bearing No. 293 dated 19.12. 2023 drawn on Bank of Baroda, Golf Club Branch, Nasik in favour of Respondent is brought to the Court today. Though he would submit that this amount should be accepted in full and final settlement according to instructions received by him from the concerned Bishop who is the Chairman of the Petitioner Trust, considering the facts and circumstances of the present case, I have impressed upon and persuaded the Petitioners to consider payment of the amount @ Rs. 2000/- per month without any interest for the tenure during which according to the same / salary / wages have not been paid. In that respect, Ms. Jadhav in compliance of the oral directions given by the Court yesterday has prepared a chart and in all fairness would submit that in so far as the first year in the tenure is concerned, Respondent had admittedly worked for only four months. With utmost transparency, she has reduced the amount of Rs. 16,000/- and would submit that the outstanding liability according to the Respondent @ Rs. 2,000/- per month would come to Rs. 1,76,000/- only. Both parties are before me and agree for a full and final settlement on the above amount to be received by Respondent and the Respondent thereupon giving up all her claims against the Petitioners.

4. Considering the above, Petitioners are directed to pay the balance amount of Rs. 76,000/- to the Respondent in five installments

staggered proportionately within a period of eight months from today.

5. The Chairman of Petitioner No. 1 Trust Rt. Rev. Dr. Pradip Laxman Kamble is present in Court and agrees to the aforesaid payment to be done by Petitioners.

6. Respondent shall immediately receive a cheque of Rs. One Lakh submitted today and the same is handed over to the Respondent in Court. This cheque is given towards part payment of the amount of Rs. 1,76,000/- as agreed upon between the parties without prejudice to the rights and contentions of both the sides.

7. Respondent is categorically and specifically restrained by the Court that she shall not circulate any whatsapp messages whatsoever with respect to the present and / or the Petitioner Trust and / or the concerned Bishop i.e. Chairman of Petitioner No.1 Trust until the entire payment has been received by her and even in future. Respondent is personally present in Court. She understands Marathi language and I have personally interacted with her in Marathi and made her known the implication of the above restraint in Marathi language in front of both the learned Advocates in Court.

8. In view of the above arrangement between the parties, Complaint (ULP) No. 17 of 2021 pending before the Industrial Court, Nashik stands disposed. Concerned Industrial Court shall take cognizance of this order and dispose of the pending Complaint.

- 9.** Petitioner is directed to ensure that the cheque of Rs. One Lakh handed over to the Respondent is encashed and honoured. It shall be ensured by the Petitioners that the instructions under the Positive Pay System shall be provided by the Petitioners to its banker in advance so as to ensure that the cheque does not get dishonoured.
- 10.** Liberty to apply.
- 11.** Fees to the learned appointed Advocate appearing for Respondent through Legal Aid be paid as per rules.
- 12.** With the above directions, Writ Petition is disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2023.12.20
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