

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3249 OF 2005

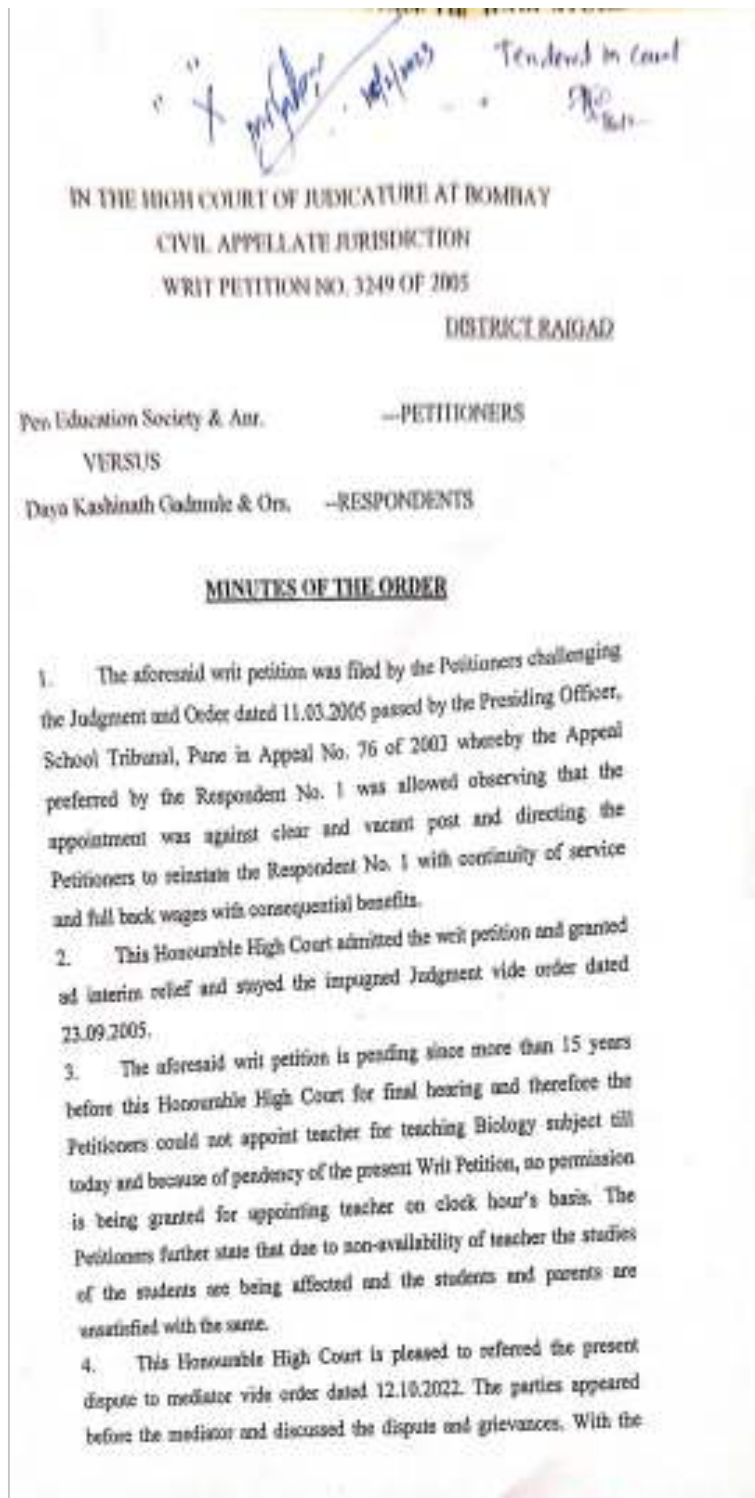
Pen Education Society & Anr.	..Petitioners
Vs.	
Daya Kashinath Gadmule & Ors.	..Respondents

Mr. Neel Helekar for the Petitioners.
Mr. Omkar Nagwekar i/b Mr. R. S. Desai for Respondent No.1.
Mrs. V. S. Nimbalkar, AGP for Respondent Nos.2 & 3-State.

**CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 16, 2023.**

P. C.:

The present Writ Petition was referred to mediation by the order dated 12/10/2022. Mediation has been successful. Parties tendered minutes of the order dated 9/2/2023. They have been signed by Sudhir Ramchandra Joshi (for Petitioner No.1), Daya Kashinath Gadmule (Respondent No.1), Mr. Neel Helekar (Advocate for Petitioners) and Ms. Badadare (Advocate for Respondent No.1). Minutes of the order are taken on record and marked "X" for identification. Mediation report is also taken on record and marked X-1 for identification. Minutes of the order are scanned and reproduced below:



help of the Learned Mediator, the parties agreed to resolve the dispute. The copy of the report of the mediator is annexed hereto and marked as Exhibit "A".

5. In order to resolve the dispute, in the wider interest of the students, the parties agree to settle the dispute and have agreed for disposal of the above Writ Petition in the following terms.

6. The Respondent No. 1 accept an amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) towards full and final settlement of all the claims against the Petitioners and State of Maharashtra and the Petitioners agreed to transfer the said amount digitally in her saving bank State Bank of India account No. 12012735378. After the receipt of the said amount of Rs. 10,00,000/- (Rupees ten lakhs only) the Respondent No. 1 shall have no claim whatsoever against the Petitioners and State Government. Annexed hereto and marked as Exhibit "B" is the copy of the cheque.

7. The Respondent No. 1 is ready and willing to give up all claims whatsoever against the Petitioners including the claim of reinstatement, back wages and continuity of service.

8. The Respondent No. 1 accepts and declares that she has not received any salary, claim and / or compensation from the State of Maharashtra during this period of her termination. The Respondent No. 1 shall have no claim whatsoever against the Petitioners and against the State Government during this period.

9. The Petitioners declare and accept that though the post is grantable, they have not received any salary grant from the Respondent Nos. 2 & 3 during this period for this post from the date of termination of the Respondent No. 1 till date.

10. The Respondent No. 1 is ready and willing to give up the claim of gratuity and pension and all other terminal benefits from the Petitioners and from the Respondent Nos. 2 & 3. The Respondent No. 1 admits that there was no provident fund account with the Petitioner and therefore she is not entitle for provident fund.

1. The Petitioners as well as the Respondent No. 1 hereby withdraw all the allegations, complaints, grievances and representations, etc. made against each other.

12. The Petitioners shall submit the fresh proposal of approval to the Respondent Nos. 2 & 3 of the newly appointed employee on the said post of Respondent No. 1 within a period of two weeks. The Respondent Nos. 2 & 3 shall consider the said proposal and grant approval within a period of four weeks from the receipt of the proposal. *In accordance with law.*

13. The impugned Judgment and Order dated 11.03.2005 passed by the Presiding Officer, School Tribunal, Pune in Appeal No. 76 of 2003 is modified accordingly.

14. As the Respondent No. 1 is not well, her brother will get the authority letter. Annexed hereto and marked as Exhibit "C" is the original authority letter.

15. Hence the aforesaid Writ Petition is disposed of in view of the above Consent Terms, arrived at by and between the parties i.e. the Petitioners and the Respondent No. 1. The Petitioner No. 1 Trust has passed a Resolution in its meeting dated 04.02.2023, resolving to dispose of the above Writ Petition by Consent.

Mumbai.

Date : 09.02.2023

M. H. Haldar
Advocate for Petitioners

(सुचिर रामचंद्र बोस)
For Petitioner No. 1
HONORARY SECRETARY
PEN EDUCATION SOCIETY
PEN-RAIGAD

B. Badate
Advocate for Respondent No. 1

(दया काशिनख बडमुळे)
For Respondent No. 1

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In view of above, the Writ petition is disposed of.

[MILIND N. JADHAV, J.]