



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3512 OF 2022
IN
LETTERS PATENT APPEAL NO. 201 OF 2006**

The Chief Officer

...Applicant

Versus

Vithal Shankar Jadhav

...Respondent

Mr. Sarang S. Aradhye a/w Ms. Gauri Velankar, Mr. Shantanu Gurav and Ms. Shruti Kothavade and Mr. Saarth Chordia for the applicant
Ms. Rekha Musale i/b Ms. Bhagyashri Mangale for the respondent

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 22nd DECEMBER 2023

P.C. :

1. Learned counsel for the applicant and learned counsel appearing for the sole respondent have amicably resolved their dispute and as such have tendered consent minutes of the order. Said consent minutes of the order are taken on record and marked 'X' for identification.

They read as under:

“MINUTES OF ORDER

1. The present Interim Application is filed by the

Applicants for recall/modification of the order dated 09/06/2010 passed by the Division Bench of this Court (Coram: J. N. Patel, Acting C.J. and S. C. Dharmadhikari, J.) in Letters Patent Appeal No. 201 of 2006 arising out of Writ Petition No. 2187 of 2005.

2. The Respondent had filed Criminal Complaint (ULP) No. 4 of 2018 before the Labour Court, Solapur against the Applicants seeking Imprisonment of the Applicants and to impose fine on the Applicants for non-implementation of the order passed in Complaint ULP No.126 of 1997.

3. After hearing Shri. Sarang Satish Aradhye, Counsel for the Applicants and Smt. Bhagyashri Mangale, Counsel for the Respondent, the order dated 09/06/2010 passed in Letters Patent Appeal No. 201 of 2006 is recalled /modified by condoning the delay by consent of the parties and following order is passed.

a. The Respondent would be entitled to receive a sum of Rs. 16,00,000/- (Rupees Sixteen Lakh) in full and final settlement of all his claims including back wages. The Respondent shall not claim any amount

from the Applicants except the amount quoted in the said clause No. (a).

b. The Applicant No.1 undertakes to pay the aforesaid amount of Rs.16,00,000/- (Rupees Sixteen Lakh) to the Respondent towards full and final settlement of all claims including back wages in four equal installments of Rs.4,00,000/- (Rupees Four Lakh) each. The first installment of Rs.4,00,000/- shall be paid to the Respondent by way of Cheque/RTGS/NEFT on or before 15/01/2024. The second installment of Rs.4,00,000/- shall be paid to the Respondent on or before 15/02/2024, the third installment of Rs.4,00,000/- shall be paid to the Respondent on or before 15/03/2024 and fourth installment of Rs.4,00,000/- shall be paid to the Respondent by the Applicants on or before 15/04/2024.

c. After receiving the fourth and final installment of Rs.4,00,000/-, the Respondent undertakes this Hon'ble Court to withdraw the Criminal Complaint (ULP) No. 4 of 2018 dated 05/03/2018 and /or pending Civil as well as Criminal proceedings if any filed by the Respondent against the Applicants before any Court /forum seeking

arrears of back wages. The Respondent shall not press the Criminal Complaint (ULP) No. 4 of 2018 against the Applicants and shall request the Labour Court Solapur to defer the hearing of the Criminal Complaint (ULP) No. 4 of 2018 till June, 2024.

d. The Respondent undertakes this Hon'ble Court that he shall not initiate/file any complaint /proceedings either Civil or Criminal in nature against the Applicants in future before any Court/forum on the issue of arrears of salary and the claim of back wages. The Respondent is already retired from the service of Karmala Nagar Parishad and getting regular monthly pension.

e. The Applicants undertake that they shall not commit any default in paying the arrears of salary to the Respondent including claim towards back wages as referred in clause No. (b). In case of any default at the hands of the Applicants in paying the aforesaid amount, the Respondent is at liberty to approach this Hon'ble Court for appropriate reliefs against the Applicants.

f. The order of recall/modification of the order dated 09/06/2010 in the present Interim Application shall not

be cited /treated as precedent as the same is modified in the peculiar facts and circumstances of the present case.

g. With the aforesaid observations, the Interim Application filed by the Applicants is disposed off with no order as to costs.”

2. In view of the aforesaid, learned counsel for the applicant as well as the respondent on instructions of their respective clients assure to honour the undertakings given by them in the said minutes of the order.

3. In view of the aforesaid, nothing survives for further consideration in the application.

4. Application stands disposed of in terms of minutes of order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.