

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7635 OF 2022
WITH
INTERIM APPLICATION NO.13573 OF 2023**

Raptakos, Breet and Co. Ltd. ... Petitioner
versus
The State of Maharashtra and Ors. ... Respondents

Mr. Mohan Bir Singh with Mr. Rahul Jalan i/by Mrs. Uma Wagle Kshirsagar for
Petitioner.

Mrs. V.S.Nimbalkar, AGP for State.

Mr. Rahil Fazelbhoy, for Respondent No.2.

CORAM : N.J.JAMADAR, J.

DATE : 25 JULY 2023

P.C. :

1. Heard the learned Counsel for the parties.
2. The learned Counsel submit that the parties have amicably resolved the dispute and arrived at Consent Minutes of Order, in accordance with which the Petition can be disposed.
3. The learned Counsel seek leave to tender the Consent Minutes of Order.
4. Leave granted.
5. Consent Minutes of Order are taken on record and marked 'X'.
6. Mrs. Suchita Ankolekar, Sr. Vice President of the Petitioner and Mr. Atul Upadhyay, Respondent No.2 are present before the Court. They admit the contents of the Consent Minutes of Order and their signatures thereon. They are

identified by their respective Advocates.

7. They state that they have voluntarily arrived at the terms of the settlement of the dispute and there is no coercion or duress.

8. The undertakings recorded in the Consent Minutes of Order are accepted as undertakings to the Court.

9. In view of the above, with the consent of the parties, the Writ Petition stands disposed in accordance with the following Consent Minutes of Order :

“1.Orders passed by the Labour Court in Complaint (ULP) No.457 of 2003 and the order passed by the Industrial Court, Mumbai dated 12.10.2021 in Revision Application (ULP) No.14 of 2016 are set aside.

2. The order of termination dated 01.11.2004 passed against Mr. Atul Upadhyay is set aside. Mr. Atul Upadhyay shall be deemed to have retired from service w.e.f. 12.09.2022.

3. Mr. Atul Upadhyay shall not be entitled to any wages or other benefits after 1.11.2004. However, for the purposes of Gratuity only, he shall be deemed to be in continuous service till 12.09.2022. The Petitioner shall pay an ex-gratia amount of Rs.21,00,000/- (Rupees Twenty-One Lakhs) to Mr. Atul Upadhyay. The said sum of Rs.21 lakhs shall be an all-inclusive sum, and is in full and final settlement of all claims including gratuity of the Respondent No.2.

4. The aforesaid amount of Rs.21,00,000/- (Rupees Twenty One Lakhs) shall be deposited by the Petitioner in this Hon'ble Court within four weeks from today i.e. on or before 25.08.2023. The Respondent Nos.2 and/or 3 shall be permitted to withdraw the said sum once the same is deposited by the Petitioner.

5. The said ex-gratia amount of Rs.21 Lakhs may be spread over as per S.89 of the Income Tax Act from the period 1.11.2004 to 12.02.2022.

6. Respondent 2/3 shall withdraw all proceedings against Petitioner and its officers whether before any Hon'ble Court, Tribunal, or Authority and undertake not to commence any other proceedings (Civil/criminal) before any Forum arising out of Respondent No.2's employment and termination with the Petitioner.
7. The order shall not create any precedent of any nature whatsoever.
8. No order as to costs."

10. In view of the disposal of the Writ Petition, the Interim Application also stands disposed.

(N.J.JAMADAR, J.)