

Santosh

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

WRIT PETITION NO. 2605 OF 2022

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2023.07.12
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The Divisional Controller, Maharashtra
State Road Transport Corporation, Solapur ...Petitioner

Versus

Jayprakash Balu Koli ...Respondent

Ms. Gargi Warunjikar, i/b Nitesh Bhutekar, for the Petitioner.

Mr. Saurabh Patil, i/b Vijay Dighe, for the Respondent.

Mr. Jayprakash Balu Koli, Respondent-in-person, present.

CORAM: N. J. JAMADAR, J.

DATED : 11th JULY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the parties make a joint statement that the petitioner and respondent have amicably settled the dispute and the respondent has no objection to allow the petition.
3. The learned Counsel for the respondent seeks leave to tender a Consent Affidavit.

Leave granted.

The Consent Affidavit is taken on record and marked "X".

4. The respondent is present before the Court. He admits the contents of the Consent Affidavit ("X") and states that he has no objection to allow the petition.

5. Paragraphs 8 to 10 of the Consent Affidavit ("X") read as under:

"8. In abovementioned circumstances and non-production of Caste Validity Certificate in time, I am giving my consent to allow the present petition.

9. I undertake that, I will not demand/claim any further amount/benefits or challenge with respect to present petition or Ld. Industrial Court issue in future.

10. In abovementioned circumstances, I humbly prays that this Hon'ble Court may pass an appropriate order and direct the petitioner, allow the applicant to withdraw the retirement benefits as per the original post i.e. Driver within the period of 4 weeks from the disposal of the present writ petition."

6. In view of the aforesaid averments in the Consent Affidavit ("X") and the statements made before the Court, the petition stands allowed in terms of prayer Clause (a).

7. The statements made in the Consent Affidavit ("X") are accepted as the statements made before the Court.

8. The impugned order dated 8th February, 2019 passed in Complaint (ULP) No.33 of 2016 stands quashed and set aside.

9. The respondent is entitled all the retiral benefits qua the original post of driver.

10. Petition stands disposed.

[N. J. JAMADAR, J.]