

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4185 OF 2019

Ambanna Dhundappa Koli

.. Petitioner

Versus

President, Shri. Narsinha Krida and Shikshan
Prasarak Mandal & Ors.

.. Respondents

.....

- Mr. Swaraj Jadhav for Petitioner
- Mr. Ashok B. Tajane for Respondent Nos. 1 and 2
- Mrs. V.S. Nimbalkar, AGP for Respondent Nos. 3 and 4
- Mr. Ambanna D. Koli, Petitioner is present
- Mr. Prakash Bhawe, President of Respondent No. 1 is present

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 02, 2023

P.C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** Mr. Jadhav, learned Advocate for Petitioner and Mr. Tajane, learned Advocate for Respondent Nos. 1 and 2 have submitted that the parties have amicably arrived at a settlement and pursuant thereto, they have tendered Consent Terms dated 02.03.2023. The Consent Terms are taken on record and marked “X” for identification. The Consent Terms are signed by Petitioner, Respondent Nos. 1 and 2 as well as their respective Advocates. Petitioner and President of Respondent No.1 who are present in Court have also confirmed the contents of the consent terms. The undertakings recorded in the Consent Terms are accepted as undertaking given to this Court. For



willing to tender unconditional apology with a view to put an end to the litigation and if the management considers the proposal of the petitioner, the Petitioner is willing to forgo the claim of back wages and apply for voluntarily retirement and he should not be deprived of the retirement dues or voluntarily retirement scheme. The management at the time of admission of the Petition had submitted that the Respondent are not willing to accept the proposal as the misconduct alleged is serious and duly proved in the enquiry and Criminal Case is pending against the Petitioner.

After considering the arguments the Hon'ble Court has admitted the above matter and expedited the hearing and granted liberty to the Petitioner for considering the proposal after the criminal Trial is over.

3. Above Writ Petition was listed for settlement on 24.03.2021 and 30.07.2021 before the Hon'ble Court and the Hon'ble Court also orally directed the parties to explore the possibility of settlement.

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24.03.2021

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4. In view of above facts and to bring an end to the dispute between the parties have settled the criminal Case bearing STC No. 683 of 2017 filed through President of Shri. Narsingh Krida va Shikshan Prasarak Mandal which runs Shri. Shankarrao Veer Sangappa Bhavi School in which the Petitioner was working as a peon. Above case was filed under Section 323, 504 506(2) of IPC. Above STC No. 683 of 2015 was not pressed by the Complainant Prakash Bhawe and the same was disposed of by the Learned JMFC Akkalkot by order 13.12.2021 as withdrawn in view of pursis exh.31. In the pursis it is clearly stated that the parties have decided to settle the dispute amicably and the settlement and compromise will be filed in Writ Petition 4185 of 2019. It is also mentioned in the Compromise pursis that the accused has tendered an apology in respect of the allegations made in the complaint. Hereto annexed and marked as **Exhibit A** is the copy compromise pursis dated 13.12.2019 in STC No. 615 of 2015 and the order of disposal of above complaint passed by the Ld. JMFC Akkalkot dated 13.12.2019.

[Handwritten signatures and text]

5. That the Respondent No. 1 Management hereby withdraws the termination letter dated 23.01.2017 thereby terminating the services of the Petitioner herein w.e.f. 23.01.2017.

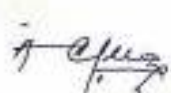
6. That the Petitioner will be reinstated on the post of peon with continuity of service w.e.f. 23.01.2017 i.e. the date of termination of his services and resume his duties from the date as agreed between the parties. The Petitioner was appointed as a full time (permanent) peon and worked for more than 20 years.

7. The Petitioner will not claim any back wages from the Management.

8. That upon being reinstated with continuity of service the Petitioner will immediately on the same day apply for voluntary retirement under the voluntary retirement scheme as is applicable. The VRS will be accepted by the management and the Management will within 4 weeks, forward the pay bills to the respective department for release of retirement dues as also revised pay bills as per the 7th pay commission recommendations. The revised pay

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23.01.2017

bill as per the 7th pay commission recommendation will be forwarded if the Petitioner is eligible for the same. Management will issue discharge certificate to the Petitioner.

9. The Petitioner Ambanna Koli again tenders his unconditional apology for the allegations made in the complaint and the same is accepted by the management.

10. Writ Petition No. 4185 of 2019 is disposed of in view of above consent term dated 02.03.2023.

Mumbai.
Dated 02.03.2023

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(Shri. Sunil Dighe ~~Banaji~~ Jadhav)
Advocate for Petitioner

Ambanna Dhundappa Koli
Petitioner

(Ashok B. Tajane)
Advocate for Respondent
No. 1 & 2

President
Shri. Narsinha Krida
and Shikshan Prasarak
Mandal
Respondent No.1

Head Master
Shri. Narsinha Krida
and Shikshan Prasarak
Mandal
Respondent No.2

3. Respondents are directed to comply with the undertakings mentioned in paragraph No. 8 of the Consent Terms without delay.

4. Once the duly completed application / proposal and revised salary bills are received by Respondent No. 3 - Education Officer from Respondent Nos. 1 and 2, Respondent No. 3 is directed to approve the said revised bills as also the application / proposal received within a period of six weeks from the date of receipt.

5. Liberty to apply.

6. In view of the Consent Terms, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]

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AMBERKAR
Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2023.03.02
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