

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

64 WRIT PETITION NO. 3580 OF 2014

BARI SAMAJ MADHYAMIC VIDHYALAYA AND OTHERS
VERSUS
SMT.RAMA SONU ADAKMOL AND ANOTHER

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Advocate for the Petitioner : Mr. Wani Girish V.
Advocate for Respondent No. 1 : Mr. Syed Azizoddin R.
AGP for Respondents/State : Mr. A.S. Shinde

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CORAM : S. G. MEHARE, J.

DATE : 19th MARCH, 2024.

PER COURT :

1. The petitioners and respondent No. 1 have settled the dispute amicably and submitted the terms of the compromise. Respondent No. 1 gave up the back wages awarded to her by the learned School Tribunal as per the impugned judgment and order. She was reinstated on 13.08.2015. It has been agreed that there would be a notional calculation of the pay of respondent No.1. She may be able to get the scale equal to the other employees. However, respondent No. 2 has some doubts because respondent No. 2 is taking care that there shall be no financial

burden on the employee who did not render services.

2. Learned counsel for the petitioners submits that if there is any hike in the scale, she would not claim those scales from respondent No. 2. In short, it is her submission that whatever benefits she would get from the date of her termination till her joining/reinstatement, she would not claim either from the School Management or from respondent No. 2.

3. Learned AGP also submitted that respondent No. 2 is not liable to bear the salary of respondent No. 1 for a period for which she was out of service. In view thereof, the settlement terms have been accepted by making it clear that whatever the financial benefit respondent No. 1 would get by notional calculation to bring her equal to the pay scale of other identical employees, respondent No. 2 would not be burdened to pay the financial difference. However, since 2015, respondent No. 2 has been paying salary regularly to respondent No. 1. So, respondent No. 2 would pay the increase in salary as per the new pay fixation of her salary from the date of her termination till her reinstatement.

4. In view of the above, the settlement terms are accepted. The petition stands disposed of. No order as to the costs.

5. Since respondent No. 1 was appointed before November 2005, she is entitled to the old pension scheme, and this is not a disputed fact. Respondent No. 2 should consider this fact while considering respondent No. 1's pension.

(S. G. MEHARE)
JUDGE

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