

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2782 OF 2022

Rupesh Ashok Salve

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Irale Patil D.R.

AGP for Respondents/State : Mr. S.N. Kendre

Advocate for Respondent No.2 : Mr. R.I. Wakade

Advocate for Respondent No.3 : Mr. Pathan Azaroddin Chandpasha

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CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. The parties have settled the dispute and placed the compromise deed on record. The Registrar (Judicial) verified the parties. The compromise deed be made part of record.

2. However, from the settlement terms it appears that the management and the employee have saddled the burden of back wages on the government i.e. respondent no.2 without its consent. Section 11(3) of the MEPS Act, 1977 provides that the Tribunal may direct the government to pay the back wages. However, the said amount should be deducted from the non-salary grants. It is also not the case that respondent no.1 had participated in the departmental inquiry.

3. After going through the provisions of law, the employer agreed to waive the back wages from respondent no.1 as well as the

management/respondent nos.2 and 3. Therefore, he do not want to press Clause Nos.7 and 8 of his compromise deed. The management also agreed for that. It is clarified that from the settlement between the employee, management and the headmaster, respondent no.1 i.e. Education Officer is exonerated. Rest of the terms are binding to the parties. The related portion from the compromise deed should be deleted forthwith.

4. In view of the above, the petition stands disposed of.

5. No order as to costs.

6. The order should not be uploaded till necessary portion from compromise deed is deleted.

7. The related portions as mentioned above have been deleted. Order be uploaded.

(S.G. MEHARE, J.)