



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1211 OF 2004

Arun Bhila Patil (Died) through LRs. ... Petitioners

Versus

State Of Maharashtra and Others ... Respondents

Adv. V. P. Latange, Advocate for the Petitioner

Ms. M. L. Sangit, AGP for Respondent/s - State

Adv. Ajay Talhar a/w Adv. Darshan Sahuji, Advocate for Respondent Nos. 2 and 5

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 30th APRIL, 2025

ORDER :

1. The petitioners, who are legal representatives of Arun Bhila Patil, have challenged the judgment and order dated 18.12.2003 passed by the Presiding Officer, University & College Tribunal, Aurangabad, upholding the termination of the employee Arun Bhila Patil. The petitioners have also prayed for directions to the concerned authorities to treat the deceased employee as retired from service and to process the pension papers of the deceased.

2. During the pendency of the instant petition, the legal representatives of the employee i.e. petitioners and the Management / respondent nos. 2 to 5 have decided to amicably resolve the controversy, mainly to enable the legal representatives to secure the retirement benefits of the deceased employee by forgoing the claim for back wages during the period of termination. The petitioners and respondent nos. 2 to 5 have

entered into compromise and the terms of compromise are recorded and signed by both the parties on 28.04.2025, which are placed on record. The relevant paragraphs from the 'Terms of Compromise' are reproduced below:

"3. That, due to the afore-said action of dismissal from service, no monetary benefits including pensionary benefits were awarded to the petitioner during his lifetime. The wife of the original petitioner is entitled for claiming benefit of pension/family pension after demise of petitioner. The undersigned wife of petitioner has approached the Management of the Vidya Vardhini Sabha's Arts, Commerce and Science College, Dhule where her husband has served and prayed for sympathetic consideration in the matter.

4. That, the Management of Vidya Vardhini Sabha's Arts, Commerce and Science College, Dhule has considered the prayer of the wife of deceased petitioner favorably and by way of a resolution passed in the meeting of Governing Council dated 09.04.2025; decided to grant her no-objection certificate for processing her claim regarding family pension. The Management of Vidya Vardhini Sabha's Arts, Commerce and Science College, Dhule has also decided to put a condition thereby requiring the wife of petitioner to give-up monetary claim qua to pay, perks and allowances pertaining to the period of termination of original petitioner as well as putting no financial burden on the Institution.

5. That, it is mutually agreed between the parties that the undersigned wife of original petitioner is ready and willing to give-up all the monetary claims regarding pay, perks and allowances pertaining to the period of termination of Arun Bhila Patil. It is mutually decided that she undertakes to not to put any financial burden on the Management of Vidya Vardhini

Sabha's Arts, Commerce and Science College, Dhule if no-objection certificate for processing her claim regarding pension/family pension is granted to her.

6. *That, in view of the specific undertaking given by the undersigned wife of original petitioner Arun Bhila Patil thereby giving-up all the monetary claims regarding pay, perks and allowances pertaining to the period of termination of Arun Bhila Patil so also not to put any financial burden on the Management of Vidya Vardhini Sabha's Arts, Commerce and Science College, Dhule ; the Management is ready to forward the proposal for pension/family pension to appropriate authorities.*

7. *That, the Management of Vidya Vardhini Sabha's Arts, Commerce and Science College, Dhule has no objection to convert/modify the order of dismissal of original petitioner Arun Bhila Patil from service dated 09.09.2002 bearing Outward No.1027/2002-2003 issued in pursuance of resolution No.2 dated passed in meeting of Governing Council of the Management held on 08.09.2002 so also the consequential order passed by the Presiding Officer, University and College Tribunal, Aurangabad dated 18.12.2003 in Appeal No. NMU-11/2002 into an order of 'Compulsory Retirement' and settle the matter in terms of the afore-said terms of compromise by allowing the Writ Petition No. 1211/2004."*

3. It has to be noted that the terms of compromise are in between the petitioners and respondent no. 2 to 5 only, related to the claims of petitioners against the Management. As regards the prayer for direction to the competent authorities for processing the pension papers of the deceased employee, the parties have only expressed that in view of this compromise the management is ready to forward the pension paper of the

deceased employee to the competent authority. It is informed that the employee has put in about 29 years of service and is entitled for pension.

4. In view of the compromise in between the petitioners and the respondent nos. 2 to 5, the main controversy related to legality of termination is sorted out and therefore, by issuing directions to respondent no. 7 / The Joint Director, Higher Education, Jalgaon Division, Jalgaon to consider the proposal of pension, if forwarded by the management the instant petition can be disposed of. Hence, I pass the following order in view of the terms of compromise dated 28.04.2025.

ORDER

(i) The petitioners and respondent nos. 2 to 5 are directed to act accordingly to the terms of compromise dated 28.04.2025, which are filed on record.

(ii) Respondent no. 5 is directed to immediately forward the proposal for pension and retirement benefits to respondent no. 7 / The Joint Director, Higher Education, Jalgaon Division, Jalgaon.

(iii) On receipt of the proposal, respondent no. 7 to process and take decision on the proposal in accordance with law within a further period of three months.

(iii) In view of this, the present writ petition is disposed of.

[PRAFULLA S. KHUBALKAR, J.]