

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

## WRIT PETITION NO.6016 OF 2014

Shri Lahu Tukaram Kharat & Ors.	]	...	Petitioners.
vs.			
Food Corporation of India & Ors.	]	...	Respondents

**WITH  
WRIT PETITION NO.3444 OF 2012**

Subrao Pandurang Kabugade & Ors.] ... Petitioners.  
vs.  
General Manager, FSI & Ors. ] ... Respondents

Mr.Y.B. Lengare, for Petitioners in both Petitions.  
Mr.Nitin V. Gangal, for Respondent Nos.1 and 2 in WP No.6016/2014.  
Mr.R.V. Govilkar, for Respondent No.1 in WP No.3444/2012.  
Mr.D.P. Singh a/w A.R. Varma for Respondent No.5 in WP No.3444/12.

**CORAM : K.K.TATED &  
N.R. BORKAR, JJ.**

**DATE : 29<sup>th</sup> OCTOBER, 2020.**  
***(Through Video Conferencing)***

**P.C. :**

- 1] Heard learned counsel for parties.
- 2] Today the matter is shown on board for filing Consent Terms as per praecipe dated 25th October, 2020 filed by the Advocate for Petitioner. The said praecipe is taken on record and marked as x-for identification.
- 3] Learned counsel for Petitioner submits that in Writ Petition No.6016 of 2014, Petitioners may be permitted to delete names of

Respondent No.3 to 22 as they are not claiming any relief against them. He also submits that in Writ Petition No.3444/2012 Petitioners may be permitted to delete names of Respondent Nos.5 to 15 as they are not claiming any relief against them also. Same is permitted. Amendment to be carried out on or before 7th November, 2020.

4] Learned counsel for both the parties submits that, matter is settled between them. They tendered the Consent Terms dated 29th October, 2020. Same is taken on record and marked as x-for identification. Same is accepted. Consent terms reads thus :

**CONSENT TERMS BETWEEN**

- a. Petitioners and Respondent Nos.1 and 2 in Writ Petition No.6016 of 2014, and
- b. Petitioners and Respondent Nos.1 to 4 in Writ Petition No.3444 of 2012.

A. The above two Writ Petitions raise similar issues whereby the Petitioners in W.P. No.6016 of 2014 have challenged the promotional order dated 19.06.2014 issued to the Respondent Nos.3 to 22; whereas the Petitioners in Writ Petition No.3444 of 2012 have challenged the promotional order 31.1.2012 issued to the Respondent Nos., therein against FCI. Both Petitioners seek relief of promotions from deemed date.

B. Petitioner No.1 in W.P. No.6016 of 2014 expired on 18.03.2016 and as such be kindly deleted from the array of parties. There are no reliefs claimed against Respondent Nos.3 to 22 in the said Writ Petition and as such those Respondents be kindly deleted from the array of parties to the cause title.

C. There are no reliefs claimed against Respondent Nos.5 to 15 in the Writ Petition No.3444 of 2012 and as such those Respondents be kindly deleted from the array of parties to the cause title.

#### **TERMS AND CONDITIONS :**

1. Respondent FCI has agreed to maintain separate seniority list of all 44 persons transferred from CLBO Sewari Godown to Panvel Depot presently working and give the promotions to these workers as a Mandal (Tindel) and Sardar (Mukadam). All the 44 persons who are at present in service of Respondent FCI have requested Respondent FCI to accord prospective promotions w.e.f. May, 2020 to senior most of all the 44 persons by maintaining their separate seniority list for Panvel (Kalamboli) Depot. The parties herein agree that such promotions are granted to them on humanitarian ground by maintaining their separate seniority list and forming of separate gangs for them. Such promotions are pursuant to the Undertaking given by all the 44 persons at present in service of Respondent FCI pursuant to the terms and conditions of Undertaking which is annexed herein as 'Exhibit-A' to this Consent Terms. The terms and conditions of the said Undertaking shall govern the present Consent Terms and it is requested by the parties herein to this Hon'ble Court to accept such Undertaking and take the same on record of this Hon'ble Court. Such similar Undertakings are also given by Anil S. Waghmode and Ananda A. Kokare, the terms and conditions of the said Undertakings shall govern the present Consent Terms and it is requested by the parties herein to this Hon'ble Court to accept such Undertakings and take the same on record of this Hon'ble Court. The said Undertakings are annexed herein as "Exhibit-B Collectively" to these Consent Terms.

2. The Respondent FCI has agreed to accord prospective promotions w.e.f. May, 2020 to senior most of all the 44 persons who are at present in service by maintaining their separate seniority list for Panvel (Kalamboli) Depot.

3. The Petitioners have accepted the said proposal which is duly approved by the Divisional Manager, FCI, DO, Panvel vide communication dated 19.10.2020, extending the benefit to the Petitioners as well as workers who were due for promotions

w.e.f. May 2020 as a Mandal (Tindel) and Sardar (Mukadam).

4. The Divisional Manager of FCI – Respondent NO.2 by its order No.LR/PANVEL/PROMOTIONS/DEPT LABOUR/2020 dated 17.6.2020 has promoted 4 workers viz (I) Shri Anil S. Waghmode, (ii) Shri Dadasaheb J. Sangolkar, (iii) Shri Janardhan B. Kodalkar and (iv) Shri Vithal R. Shingade as a Mandal (Tindel) and further promotions of Sardar (Mukadam) amongst the eligible candidates will be given to them within four weeks.

5. The Respondent FCI has agreed to give promotions to 4 workers as a Tindel on promoting Tindel as a Mukadam as per the separate seniority list maintained by the Respondent No.2 – FCI.

6. The Petitioners or their legal heir/s will not claim any retrospective benefit prior to May 2020, either promotional, financial or otherwise from FCI.

7. Both the Petitions are disposed of on the above terms.

5] At this stage, learned counsel for Petitioners in both the Petitions as well as learned counsel for respondents made a statement before this Court that during the course of the day they will sign each and every page of the Consent Terms. Same is permitted.

6] In view of this, following order is passed :

a] Both the Writ Petitions stand disposed of in terms of Consent Terms.

b] Consent Terms to be treated as part and parcel of the Decree.

c] No order as to costs.

d] This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on a digitally signed copy of this order.

**[N.R.BORKAR, J]**

**[K.K.TATED, J]**