

**HIGH COURT OF GUJARAT****PRAVINCHANDRA RANCHHODLAL SOLANKI***Versus***IOC****Date of Decision:** 28 September 2007**Citation:** 2007 LawSuit(Guj) 2478**Hon'ble Judges:** [S R Brahmhatt](#)**Case Type:** Special Civil Application**Case No:** 8495 of 1997**Final Decision:** Petition disposed**Advocates:** [Girish Patel](#), [Prabhav A Mehta](#), [Nanavati Associates](#)

**[1]** In this matter, as noted on earlier occasion efforts were made to amicably settle the matter. On 17.9.2007, therefore, the matter was adjourned in order to enable the counsel for respondent Nos. 1 to 3 to obtain appropriate instructions.

**[2]** Shri Mehta for Nanavati Associates counsel for the respondents has placed on record the communication received by his office from the respondents dated 29.8.2007, which is ordered to be taken on record. Shri Mehta has further submitted under the instructions that his clients have instructed him to accept the apology that may be tendered on behalf of the petitioner and the Corporation may not have any objection if the Court is modifying the order of punishment to that of simple termination of service and/or discharge simpliciter without any back wages. Shri Mehta has submitted that if the order of punishment is modified to that of simple termination of service or discharge simpliciter then also, as per his instructions from his client, the petitioner shall be paid on his application the statutory dues like gratuity and CPF admissible to the petitioner.

**[3]** In view of that, Shri Patel, learned counsel appearing for the petitioner tenders sincere apology on behalf of the petitioner and submits that the petitioner is ready to accept the order of simple termination of service and the petitioner would make appropriate application for his statutory dues like CPF and gratuity permissible under the Rules.

**[4]** In view of this, the order of dismissal impugned in this petition is hereby modified into that of simple termination and in view of the consensus between the parties, the petitioner would make an application for receiving the amount of CPF and Gratuity permissible under the Rules and same shall be paid to him within four weeks from the receipt of the application. The petition is disposed of accordingly. Rule is discharged. There shall be no order as to costs.

