

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 455 OF 2003

THE STATE OF MAHARASHTRA & OTHERS
VERSUS
MANIK SAYANNA NAISHETWAR

.....

A.G.P. for petitioner : Mr. U. S. Mote
Advocate for respondent sole : Mr. S. S. Pawar

.....

**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 2nd FEBRUARY, 2015

PER COURT :-

1. This petition challenges the judgment and order dated 01.10.2002 passed by the learned Vice Chairman and Member of Maharashtra Administrative Tribunal, Aurangabad. The facts of the case are as under :

2. The respondent was appointed as Peon on 02.12.1991 as physically handicapped person. The appellant however, removed the respondent from service by order dated 09.10.1992. The ground, for which the respondent was removed, mentioned that the employment exchange intimated to them that the respondent was blind only by one eye and therefore, would not fall within the category of physically handicapped. The employment exchange also

suggested that the respondent's services should be brought to an end. The order was held to be unsustainable because the Tribunal thought that such order in such a manner could not have been passed. No steps contemplated by the principles of natural justice followed before the impugned order was passed. The Tribunal also held that the respondent ought to have been given an opportunity to show cause as to why his services should not be terminated, etc..

3. In view of this, the Tribunal set aside the impugned order of termination and ordered reinstatement with certain back-wages. Though this order was challenged before this Court, no interim relief was granted to the petitioner and there is reason to believe that the respondent was reinstated. 13 years have passed since then. Even the learned AGP is not aware as to whether the respondent is still in service. In any case, we find that the order impugned is quite sound and we are not inclined to interfere in it.

4. The writ petition is dismissed. Rule discharged.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

vre/