

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

**LETTERS PATENT APPEAL ST. NO. 7517 OF 2012
IN
WRIT PETITION NO. 1728 OF 1993**

Shaikh Mahammad Madarsaheb

.. APPELLANT

VERSUS

Hindusthani Education Society, Ausa
& others

.. RESPONDENTS

Mr. G.K. Thigle, advocate holding for Mr. Abhijit Kulkarni, advocate for appellant.

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CORAM : R.M. BORDE &

A.I.S. CHEEMA, JJ.

DATE : 19th NOVEMBER, 2015.

PER COURT :

1. Appellant is taking exception to the order passed in Writ Petition No. 1728/1993 by the learned Single Judge on 15.02.2012.

2. Writ Petition was directed against the judgment and order passed by the school tribunal partly allowing the appeal presented by the employee. The tribunal though held in favour of the appellant, instead of granting re-instatement in employment, granted damages equivalent to the six months wages. Writ petition challenging the order passed by the tribunal was admitted and the same was taken up for consideration on 15.02.2012. The learned Single Judge though found that the tribunal has held on merit in favour of the petitioner, has proceeded to grant damages equivalent to six months' wages, did not interfere in the order of the tribunal presumably

because the matter was being considered in the year 2012 i.e. after lapse of more than 25 years. By passage of time, the petitioner has reached the age of super-annuation. The order passed by the learned Single Judge refusing to exercise discretion in favour of the employee, according to us, need not be interfered after more than 25 years from the date of the order passed by the tribunal. The learned counsel appearing in the appeal states that confirmation of the order passed by the tribunal may amount to stigma on the character of the employee. We do not accept the contentions for the reasons that the tribunal though has accepted the contentions of the employee, instead of granting re-instatement in employment, has awarded six months salary, considering the length of service to be less than ten years.

3. For the reasons recorded above, Letters Patent Appeal does not deserve to be entertained and as such stands dismissed.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb