IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5616 OF 2015

RAMPRASAD SHIVAJIRAO KALE PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS RESPONDENTS

Mr.M.P.Kale, Advocate for the petitioner.
Mrs.S.D.Shelke, AGP for respondent Nos. 1 to 4.
Mr.S.K.Chavan, Advocate for respondent Nos. 5 and 6.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 17/08/2015

PER COURT :

1. While issuing notice on 17/06/2015, I had passed the following order :-

> *"1. The petitioner submits that he had filed an application seeking permanent engagement as a Peon on a vacant post, vide his application dated 11.8.2014. The said application is being considered by the District Deputy Registrar, Cooperative Societies and the Agricultural Produce Market Committee, Jawala Bazar. Both these authorities have been arrayed as respondent Nos.3 and 7 respectively.*
>
> *2. The petitioner further points out that he had moved an application dated 5.9.2014 again to the third respondent, seeking appointment as a Peon on a permanent vacant post.*

Similar application, dated 11.9.2014, has been filed with the Director, Marketing, who is respondent No.2 in this petition.

3. It is submitted that the petitioner was instrumental in questioning the appointments of respondent Nos.5 and 6 in this petition. By virtue of the same, certain orders were passed on 7.11.2014 by respondent No.7 Administrator, vide which the appointments of respondents 5 and 6 were set aside.

4. These two respondents preferred Appeal No.127 of 2014 and 128 of 2014 before respondent No.2. By judgment and order dated 18.2.2015, both the appeals were rejected. Both these respondents moved a Revision Petition before the Honourable Minister for Marketing. By order dated 30.3.2015, the Honourable Minister has allowed the entire Revision Application while entertaining the application for interim relief and has set aside the judgment of respondent No.2, dated 18.2.2015 and respondent No.7 dated 7.11.2014.

5. The petitioner submits that his Complaint under the MRTU & PULP Act, 1971 is pending before the Industrial Court at Jalna, seeking permanency and benefits incidental thereto.

6. The petitioner admits that he was not a party to the proceedings before respondent No.2 as well as before the Honourable Minister. It it canvassed by the petitioner that he is aggrieved by the appointments of respondents 5 and 6. Therefore, he has challenged the impugned judgment dated

30.3.2015, delivered by the Honourable Minister in this petition.

7. In the light of the above, keeping the issue, as to whether the petitioner can be said to be concerned with the cause of action, open, I am issuing notice to the respondents.

8. At the same time, the bonafides of the petitioner are being tested and I, therefore, direct the petitioner to deposit an amount of Rs.10,000/- (Rs. Ten Thousand only/-) in this Court on/or before 4.7.2015, failing which this petition would not be entertained.

9. Issue notice to the respondents returnable on 15.7.2015. Learned AGP waives service for respondents 1 to 4."

2. Mr.Chavan, learned Advocate has appeared on behalf of respondent No.5 and submits that the petitioner is guilty of mis-representation and suppression of material facts. His complaint (ULP) No.49/2014 was already compromised on 11/04/2015 and this petition has been filed on 21/04/2015.

3. Mr.Chavan places on record a copy of the application Exh.UC-1 dated 11/04/2015 and the order of the National Lok Adalat dated 11/04/2015 on record, which is accepted and marked as Exhibit "X"

for identification.

4. Mr.Chavan, therefore, submits that there is no cause of action for entertaining this petition and the cost deposited be paid to respondent No.5, who shall donate the same to the High Court Advocates' Bar Library, Aurangabad.

5. Respondent Nos. 6 and 7 are served. However, they have not chosen to appear either through an Advocate or in person.

6. In the light of the above and in view of Exh."X", this petition is dismissed. The costs deposited shall be transmitted to the High Court Advocates' Bar Library, Aurangabad.

(RAVINDRA V. GHUGE, J.)