

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1156 OF 2014**

Jitendra Ramanath Sangle

...Petitioner.

versus

State of Maharashtra and others

..Respondents.

.....

Mr. Vishal Muglikar i/b Mr. Yogesh Jaybhaye for the Petitioner.

Mr. P.G. Sawant, AGP for the State – Respondent No.1.

Mr. V.D. Patil for Respondent Nos.2 and 3.

Mr. P.N. Joshi for Respondent No.4.

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**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.****24th February, 2015.****P.C. :**

The Petitioner was appointed as a Secretary on 13th September, 2013. It was submitted by learned counsel appearing for the Petitioner that by impugned communication dated 24th December, 2013 (Exhibit I) the Petitioner was removed from his post and relieved as Secretary during the probationary period. One of the Conditions i.e. Condition No.9 of the appointment order mentions that the Petitioner could be relieved or terminated during the probationary period with prior sanction of the Marketing Board. Admittedly, Respondent No.4 Committee did not take prior sanction from the Marketing Board, Respondent No.2.

2. The learned counsel appearing for the Petitioner pointed out that under the communication dated 21st January, 2015 the chairman of the

APMC passed an order asking the Petitioner to join the services, but when the Petitioner approached them for joining, he was not allowed to join. The learned counsel therefore submits that suitable orders are required to be passed directing the Respondents to allow the Petitioner to join services and to pay backwages.

3. The Respondent Board has filed an affidavit in reply. The learned counsel appearing for the Board submitted that without getting prior sanction, the Respondent APMC terminated services of the Petitioner who was discharging duties as probationer. The learned counsel for the APMC submitted that within a week the Petitioner would join the service as Secretary of the APMC. The termination order issued on 24th December, 2013 stands withdrawn.

4. On the issue relating to the payment of backwages as claimed by the Petitioner, the learned counsel submits that necessary decision will be taken after the representation is filed.

5. We have perused the record and considered the submissions advanced. It is clear now that the APMC has made a statement that within a week the Petitioner would report to the duties as the impugned order of termination stands withdrawn.

6. On the issue of payment of backwages/salary, we observe that

the Petitioner is entitled to file a comprehensive representation to the Director - Marketing. In case, the representation is received, we direct the Director - Marketing to pass appropriate orders considering the facts of the case and the say of the contesting parties. The decision shall be communicated to the Petitioner.

The Petition is disposed of.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)