

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1082 OF 2015

IN

WRIT PETITION NO.10068 OF 2013

Shri Krishna Keda Isai

.... Petitioner

vs

The State of Maharashtra, through
Secretary, Dept of Tribal Development
and ors.

.... Respondents

Mr. Anil S. Golegaonkar for the Applicant/petitioner.

Mr. V.N. Sagare, AGP for respondents 1 to 4.

**CORAM: ANOOP V. MOHTA AND
K. R. SHRIRAM, JJ.**

DATE : April 27, 2015

P.C.:

Pending the writ petition, on 24.10.2013 this Court ordered that as the Petitioner was in service, his services should not be terminated on the basis of impugned order dated 1.8.2013. However, on 18.11.2014 the matter was dismissed for default. The Petitioner moved an Application being Civil Application No.381/2015 for restoration and for continuation of stay. The said Application was served on Respondents on 9.4.2015. On

1`3.04.2015, after hearing all the parties, including the Respondents, we have allowed the Civil Application in terms of prayers (a), (b) and (c). The writ petition was accordingly restored and so also the interim protective relief so granted in favour of the Petitioner.

2 The Respondents, therefore, were fully aware of the proceedings and so also the earlier protective orders specifically referring to the termination. However, still by order dated 10.04.2015 which the Petitioner received on 17.04.2015, terminated the services inspite of the order so referred above. We are inclined to observe that the Respondents have acted in defiance to the order passed by this Court. Even otherwise, considering the merits, the matter requires consideration and, therefore, there was no question of taking such drastic action knowing fully that the Petitioner is about to retire on 31 May 2015 and also for the fact that we have already directed to forward the Petitioner's pension case for further action. Therefore, a case is made out. This Civil Application is accordingly allowed in terms of prayers (a) and (b). There shall be no order as to costs.

3 The main writ petition be listed for final hearing on 16 June 2015 as already fixed.

Parties to act on the basis of an authenticated copy of this order.

(K. R. SHRIRAM, J.)

(ANOOP V. MOHTA, J.)