

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.W.NO. 821/2013 IN W.P.NO. 6351/2012.

Jitendra Anandrao Kakade.

VERSUS

The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 15, 2015.

Heard Shri R.L. Khapre, learned Counsel
for the applicant/petitioner and Mrs. B.H. Dangre,
learned Government Pleader for respondents.

Perused the orders of Hon'ble Supreme
Court dated 02.11.2012, and the later order dated
19.08.2014.

Applicant states that on 19.08.2014, as
contractual appointment as per order dated
14.08.2014 of 11 months was already in force, as such
his subsequent termination by order dated 28.10.2014

because of orders of Hon'ble Apex Court dated 19.08.2014 is, unsustainable.

Learned Government Pleader has pointed out that the applicant/petitioner worked for short time, way back in the year 2009, thereafter he was not selected and after a long gap, he approached Maharashtra Administrative Tribunal. Challenge there failed and a Writ Petition was filed before this Court. Grievance of the applicant/petitioner was considered along with other connected matters and while considering it, distinguishing features could not be pointed out. As such the interim orders passed by other Bench were also extended to case of present petitioner in the light of directions of this Court dated 18.12.2012. Consequentially order dated 14.08.2014 came to be issued.

The so called distinguishing features attempted to be pressed into service by the learned Government Pleader were not considered by this Court while passing order dated 18.12.2012. The said features may not have been pointed out even to the Hon'ble Apex Court, however, the orders passed by this

Court on 18.12.2012, have been implemented by issuing order dated 14.08.2014. By said order, the applicant was appointed on contract basis for a period of 11 months and that period is yet to expire.

Subsequent orders of Hon'ble Supreme Court dated 19.08.2014 does not in any way allow the respondents to recall that order or alter it. The Hon'ble Apex Court has expressly observed that those whose contractual appointment have come to an end need not be continued, but, where the appointments were renewed, the same were ordered to continue for a period for which renewal was granted.

Here, , the order dated 28.10.2014 is, therefore, unwarranted. In this situation, Civil Application is allowed. Respondents are directed to allow the applicant to work as Law Officer as before, till the period stipulated in order dated 14.08.2014 expires.

Civil Application is accordingly disposed of.
No costs.

JUDGE

JUDGE

Rgd