

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

CAW NO. 1449/2015 IN WRIT PETITION NO. 7111 OF 2014

(Dilip s/o Hanumanji Kalaskar vs. Maharashtra Housing And Area Development Authority & Ors.)

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

Court's or Judge's orders.

Shri R.N. Badhe, Counsel for the petitioner.

Shri H.N. Verma, Counsel for the respondent Nos. 1 & 2.

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**CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.
JULY 21, 2015.**

Heard the learned counsel for the parties.

Perused the proposed amendment.

The petitioner is permitted to incorporate the proposed amendment in paragraph (i) in the petition.

It is rightly submitted on behalf of the respondents that the petitioner would not be entitled to seek a declaration that the order confirming the services of the respondent No. 3 dated 01.11.2013 is arbitrary and illegal and that the respondent No. 3 is deemed to have been terminated automatically, as the said prayer would change the nature of the petition. It, however, appears on hearing the learned counsel for the parties that permission to incorporate the alternative prayer for the declaration that the respondent No. 3 was not entitled for promotion and the petitioner should be promoted with effect from 21.07.2011, could be granted. Hence, the petitioner is entitled to incorporate the prayer

clause beginning from “declare that the respondent No.3 having not completed with all consequential benefits”.

The Civil Application is partly allowed to the aforesaid extent and disposed of. The petitioner to carry out the necessary amendment within a period of one week.

S.O. to 04.08.2015 for admission.

JUDGE

JUDGE

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