

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

WRIT PETITION NO.5624/2015

Gajanan s/o Tukaram Thakare

...Versus...

State of Maharashtra through the Secretary Department of Revenue, Mantralaya,
Mumbai and others

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

Court's or Judge's orders

Shri S.D. Harode, Advocate for petitioner
Shri M.K. Pathan, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 05.12.2015

The learned Counsel for the petitioner states that the petitioner has given up the challenge to the order of the Scrutiny Committee and desires to seek a direction to the Collector, Ratnagiri to reinstate the petitioner in service and protect his services.

We find that by an order, dated 1.3.2008 the services of the petitioner were terminated by the Collector, Ratnagiri. By amending this petition, the petitioner has only challenged the order of termination, dated 1.3.2008 and has sought a direction to the Collector, Ratnagiri to protect the services of the petitioner.

Since the petitioner is only challenging the order of termination and seeking a direction to the Collector, Ratnagiri to protect his services, no part of cause of action would arise within

the territorial jurisdiction for the Nagpur Bench of the Bombay High Court. It would be necessary for the petitioner to file the writ petition at the Principal Seat for seeking the protection of his services and for challenging the order of the Collector, Ratnagiri. We find that when the writ petitions are filed at the Nagpur Bench for protection of the services of the employees and the offices of the employers are situated within the territorial jurisdiction of the Principal Seat, then the employers are not represented by a Counsel on most of the occasions as the Standing Counsel for the concerned employers normally appears at the Principal Seat. In the absence of representation on the part of the employer, it is not possible for this Court to gauge whether the petitioner was really appointed before the cut off date on regular basis and whether there was no other reason for the termination of his services. In the absence of proper information, the services of the employees cannot be protected, when the employers are not represented in the Nagpur Bench.

In the circumstances of the case, since the cause of action arises within the territorial jurisdiction of the Principal Seat of the Bombay High Court, we dispose of the writ petition with liberty to the petitioner to take appropriate steps.

Order accordingly. No order as to costs.

JUDGE

JUDGE