

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6834 OF 2014

Ravindra Keshao Kamlekar

-vs-

Maharashtra State Electricity Distribution Co.Ltd.,Nagpur and another

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

Court's or Judge's Orders.

 Smt.S.W.Deshpande, counsel for the petitioner.
 Mr.A.D.Mohgaonkar, counsel for the respondent No.1.
 Mr.Autkar, counsel h/f Mrs.Bharti Dangre, counsel for the respondent
 No.2.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 28.04.2015.

By this petition, the petitioner challenges the show cause notice issued by the respondent No.1-Company to the petitioner, dated 01/12/2014 asking the petitioner as to why his services should not be terminated, in view of the invalidation of his caste claim. The petitioner seeks a declaration that the appointment of the petitioner was made on compassionate ground and he was not appointed on a post reserved for the scheduled tribes. In the alternative, the petitioner seeks the protection of his services, in view of the law laid down by this Court in the judgment, reported in **2015 (1) Mh.L.J. 457 (Arun Sonone v. State of Mah.)**.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition, it appears that the appointment of the petitioner was made on compassionate ground after the death of his father, while in service. Since the petitioner was appointed on compassionate ground, the services of the petitioner could not have been

terminated on the invalidation of his caste claim, as he was not appointed on a post reserved for the scheduled tribes and was appointed on compassion. In any case, as rightly submitted on behalf of the petitioner, the services of the petitioner are required to be protected, in view of the law laid down by this Court in the judgment, reported in 2015 (1) Mh.L.J. 457.

Since the petitioner was appointed on compassionate ground, we quash and set aside the impugned show cause notice asking the petitioner as to why his services should not be terminated on the invalidation of his caste claim. The respondent No.1 cannot terminate the services of the petitioner on the invalidation of his caste claim.

Order accordingly. No costs.

JUDGE

JUDGE