

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.423 OF 2016
(Bappasaheb Pandurang Pattekar Vs. The Additional Commissioner
at Aurangabad and others)

WITH

WRIT PETITION NO.424 OF 2016
(Bhagwan S/o Goverdhan Rathod Vs. The Additional Commissioner
at Aurangabad and others)

WITH

WRIT PETITION NO.425 OF 2016
(Tukaram S/o Uttam Tidke Vs. The Additional Commissioner at
Aurangabad and others)

Mr.V.C.Patil Ashtekar, Advocate for the petitioners.

Mr.Yogesh K.Bobade, Advocate for respondent Nos. 2 and 3.

Mr.V.G.Shelke, Mr.V.S.Badakh, Mr.D.R.Korde, AGP's for respondent
No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/01/2016

PER COURT :

1. The petitioners are aggrieved by the order dated 04/01/2016 by which respondent No.1 Additional Commissioner, Aurangabad has issued notice on their appeals, returnable on 27/01/2016, but has not stayed the order of termination dated 30/12/2015.

2. The petitioners submit that by the order dated 30/12/2015 issued by respondent No.2 their services are said to have been terminated on 31/12/2015. They preferred appeals before respondent No.1. Though a prayer under paragraph No.19(C) seeking a stay to the order of termination has been made, respondent no.1 has not stayed the order of termination and has issued notices. They,

therefore, pray that directions be issued to respondent No.1 to consider the prayer for ad- interim protection and also decide the appeals.

3. Learned AGP's appearing on behalf of the respondent no.1/ submit that the order dated 30/12/2015 is the order of termination by which the petitioners stand terminated w.e.f. 31/12/2015. Though the petitioners contend that they have not been terminated, the fact remains that the said order is an order of termination passed by respondent No.2 after hearing the petitioners pursuant to the notice dated 27/05/2015 and in the light of the Government Resolution dated 23/04/2015.

4. They, therefore, submit that the petitioners are not in employment today. They further add that 37 other employees as like the petitioners have been terminated from service after giving them an opportunity of hearing.

5. In the light of the above, I do not find any reason to keep these petitions pending. Same are, therefore, disposed of with a direction to respondent No.1 to consider the prayer of the petitioners and decide the appeals on their own merit.

(RAVINDRA V. GHUGE, J.)