

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.5668 OF 2016

**Ganesh S/o Kakasaheb Pawar Vs. The State of Maharashtra and
others.**

WITH

CONTEMPT PETITION NO.388 OF 2016

IN

WRIT PETITION NO.5674 OF 2016

WITH

CONTEMPT PETITION NO.389 OF 2016

IN

WRIT PETITION NO.5670 OF 2016

WITH

CONTEMPT PETITION NO.390 OF 2016

IN

WRIT PETITION NO.5671 OF 2016

WITH

CONTEMPT PETITION NO.391 OF 2016

IN

WRIT PETITION NO.5729 OF 2016

WITH

WRIT PETITION NO.5669 OF 2016

WITH

WRIT PETITION NO.5670 OF 2016

WITH

WRIT PETITION NO.5671 OF 2016

WITH

WRIT PETITION NO.5672 OF 2016

WITH

WRIT PETITION NO.5673 OF 2016

WITH

WRIT PETITION NO.5674 OF 2016

WITH

WRIT PETITION NO.5728 OF 2016

WITH

WRIT PETITION NO.5729 OF 2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.B.Talekar, advocate for the petitioners
 Mr.B.V.Virdhe, A.G.P. for the State.
 Mr.S.V.Adwant, advocate for Respondent Nos.2 to 4.

**CORAM : S.V.GANGAPURWALA AND
 K.L.WADANE, JJ.**
Date : 26.10.2016.

PER COURT :

1. Heard.
2. Mr.Talekar, learned counsel for petitioners and Mr.Adwant, learned counsel for Respondents submit that similarly situated employees as the petitioners in the present Writ Petitions had filed Writ Petitions bearing W.P.No.5995/2016 with other connected Writ Petitions at the Principal seat at Bombay and the petitions are disposed of by issuing directions on 24.10.2016. The Court gave the following directions :

"38. In the light of the above discussion, we pass the following order :

(i) The respondent-MSETCL, was within its right, authority and power to issue the impugned orders without requiring departmental inquiry to be undertaken against the petitioners. The impugned orders, accordingly, are legal and valid.

(ii) The suggestion of the respondents as regards a

second opportunity to be given to the petitioners is fair and equitable. The petitioners are at liberty to make a fresh representation along with such material to justify the experience certificates along with such material to justify the experience certificates submitted by them along with their recruitment application. Such a representation be made to the respondents within a period of two weeks from today.

(iii) The respondents shall grant a personal hearing to the petitioners making such representation and on considering the contentions of the petitioners and documents so submitted, take an appropriate decision in accordance with law, including a decision to recall the impugned removal orders, if it is found that the petitioner has justified his claim for appointment. This exercise be completed by the respondents within a period of 10 weeks from the date of the submission of their representation.

(iv) The respondents are directed to pay the concerned petitioners an amount equivalent to their salary for the post in question {Additional Executive Engineer (Transmission)} for the period from 13 June 2016 till today for the reason that the MSETCL, did not permit these petitioners to join duties in pursuance of the interim orders dated 13 June 2016 passed by us in Writ Petition No.5995 of 2016, 5996 of 2016 and Writ Petition (Lodging) No.1461 of 2016 (OS).

Writ petitions are accordingly dismissed, however, subject to the above directions. No order as to costs."

3. Mr.Adwant, learned counsel for the Respondents states that seven petitioners in the Writ Petitions joined their original posts after they were demoted and they have been paid the salary for the period they have worked. For two and half months after the order is passed by this Court these seven petitioners did not join. This Court passed the order staying the order of demotion as contented by the Respondents and removal as per petitioners, on 30.5.2016, thereby stayed the said order passed by the Respondents. This Court further on June 23, 2016 directed the Respondents to implement the interim order passed by this Court on 30.5.2016.

4. In the order dated 24.10.2016 in Writ Petition No.5995/2016 referred to supra, the Division Bench had directed the Respondents to pay the concerned petitioners an amount equivalent to their salary for the post in question {Additional Executive Engineer (Transmission)} for the period from 13.6.2016 till the date of the order.

5. Considering the above, the Respondents shall pay the petitioners the amount equivalent to their salary for the post of {Additional Executive Engineer (Transmission)} from 30.5.2016 till today after adjusting the payment already made to the petitioners who had joined the original posts. We are passing this

order because this Court on June 23, 2016 had specifically directed the Respondents to implement the interim order passed by this Court on 30.5.2016.

6. The rest of the clauses of the order dated 24.10.2016 in W.P.No.5995 of 2016 with connected Writ Petitions of para 38 shall be read in this order.

6. Mr.Adwant, learned counsel states that Respondents would make the payment as such statement was also made at Bombay in similar matter. In view of the said statement, the Contempt Petitions are disposed of.

7. The Writ Petitions are accordingly disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.26.10.2016.
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