

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10082 OF 2016

DNYANDEO KONDIBA CHEMTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Narwade N.B.
AGP for Respondent 1 : Shri Kutti P.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 19, 2016

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PER COURT :-

1. The petitioner is aggrieved by the order dated 31.7.2013, passed by respondent No.3, by which, the Appeal of the petitioner challenging his removal from service dated 30.4.2012 has been rejected and his removal has been sustained.

2. I have considered the strenuous submissions of Shri Narwade, learned Advocate for the petitioner and the learned AGP on behalf of respondent No.1.

3. The petitioner has not disputed that he was absent from 1.8.2002 till he was terminated on 30.4.2012. By order dated 30.4.2012, passed by respondent No.2, the petitioner's services were brought to an end owing to his continued and unauthorized absence for ten years.

4. Shri Narwade has strenuously submitted on the basis of his written submissions, dated 27.5.2013, filed before respondent No.3 and the memo of the petition, that he was a Watchman at the relevant time in 2001-02 at Tisgaon Forest Area. He had brought to the notice of his superiors that some people bring their cattle for illegal grazing in the said region. The owner of the cattle had threatened the petitioner on 23.8.2001 that he would take revenge on him. He was then falsely implicated in an offence of robbery / dacoity. As the Police were searching for him, he suffered a severe shock and had to be taken to the hospital for treatment. He was unable to regain his senses. He was acquitted from the criminal proceedings. It was, thereafter, that he questioned his termination on 30.4.2012.

5. I do not find that the reasons put-forth by the petitioner can be said to be a proper justification for remaining unauthorizedly absent for ten years. He has participated in the criminal proceedings and it is not indicated by the petitioner that the Court dealing with the criminal proceedings has concluded that the petitioner was not in his senses.

6. In my view, the absence of ten years unauthorizedly, cannot be condoned by showing sympathy. Respondent No.3 has, therefore,

rightly dismissed the appeal filed by the petitioner.

7. Writ Petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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