

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7268 OF 2015**

Shri Madhukar S/o. Tryambak Sonwane,  
Age 50 years, Occu. Nil,  
R/o. Khayade, Tq. Malegaon,  
Dist. Nashik.

....Petitioner.

Vs.

1     Maharashtra State Electricity  
        Transmission Co. Ltd., EHV,  
        O & M Circle, Vidyut Bhawan,  
        2<sup>nd</sup> Floor, Nashik-Poona Road,  
        Nashik-422 101.  
        Through- Superintending Engineer.

2     The Executive Engineer,  
        Maharashtra State Electricity  
        Transmission Co. Ltd., EHV,  
        O & M Division,  
        Nashik.

....Respondents.

Mr. R.K. Mendadkar for the Petitioner.  
Mr. Abhijeet A. Joshi for the Respondents.

**CORAM : ANOOP V. MOHTA AND  
          G.S. KULKARNI, JJ.  
          DATE : 29 JUNE 2016.**

**ORAL JUDGMENT (PER G.S. KULKARNI, J.):**-

Rule. Rule made returnable forthwith. Heard finally, by

consent of the parties.

2                   By this Petition, the challenge is to the order of termination dated 1 February 2013, passed by Respondent No.1. The basis, on which the impugned order has been passed, is that the Caste Certificate issued in favour of the Petitioner was invalidated by the Caste Scrutiny Committee by its decision dated 31 October 2012.

3                   Learned counsel appearing for the Petitioner has drawn our attention to the averments, as made in the Petition to point out that the said order passed by the Caste Scrutiny Committee was challenged by the Petitioner before this Court in Writ Petition No. 1383 of 2013. By an order dated 25 April 2014, a Division Bench of this Court was pleased to quash and set aside the order passed by the Caste Scrutiny Committee and remand the matter to the Caste Scrutiny Committee for consideration of the issue afresh. Mr. Mendadkar, the learned counsel for the Petitioner submits that pursuant to the said orders, the application of the Petitioner seeking validity of the caste certificate is still pending before the Caste Scrutiny Committee.

4           Mr. Mendadkar, the learned counsel appearing for the Petitioner submits that the impugned order of termination has been passed only on the basis of invalidity of the caste claim of the Petitioner, by the Caste Scrutiny Committee. The said ground had vanished in view of the order dated 25 April 2014 passed by this Court, setting aside the orders of Caste Scrutiny Committee. It is submitted that the immediate consequence would be, the Petitioner would be required to be reinstated by Respondent No.1.

5           There is much substance in the contention raised on behalf of the Petitioner. The Petitioner would be right in contending that the entire foundation for Respondent No.1 to pass order of termination, has ceased to exist, in view of the order passed by this Court setting aside the order passed by the Caste Scrutiny Committee. Admittedly, there is no other ground on which the termination order has been passed. If this be the case, then we have no hesitation to grant prayer Clause (B) made in the Petition which reads thus:-

*“(B) To quash and set aside the impugned termination order dated 1.2.2013 (Exhibit-F) issued by the Respondent No.1 which is based on decision of the Committee dated 31.10.2012 invalidating Tribe Claim*

*of the Petitioner and the same has been quashed and set aside by this Hon'ble High Court in Writ Petition No. 1383/2013 dated 25.4.2014; and direct the Respondent No. 1 and 2 to reinstate by continuing services of the Petitioner on the post of Operator, by issuing appropriate writ, orders, or directions as the case may be;"*

6           At this stage, Mr. Mendadkar, learned counsel for the Petitioner states that the Petitioner be permitted to make a representation in respect of monetary claim and other service benefits for the period the Petitioner was out of service. The request is reasonable. It would be permissible for the Petitioner to make a representation to that effect within a period of two weeks from today. If such a representation is made, the same be considered in accordance with law.

7           Writ Petition is accordingly allowed, in the aforesaid terms. There shall be no order as to costs.

**(G.S. KULKARNI, J.)**

**(ANOOP V. MOHTA, J.)**