

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 345 OF 2002

1. The Deputy Secretary,
Rural Development and Water
Conservation Department,
Mantralaya, Mumbai – 400 032.
2. The Director of Social Forestry,
Maharashtra State, Central Bldg., Pune.
3. The Dy. Director of Social Forestry,
Near Kulkarni Garden, Canada Corner,
Nasik. ... Petitioners

v/s

Ramesh Vitthal Chaudhari,
Gangakath Ropwatika,
Pumping Station Road, Nasik. ... Respondent

Mr.A.D. Kango, A.G.P. for the petitioners.

None present for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 14 JANUARY 2016

ORAL JUDGMENT:

By this petition, the Petitioner State challenges the order passed by the Industrial Court, Nasik, dated 28 November 2000, directing the Petitioner State to grant status and benefit of

permanency to the Respondent.

2. The Respondent was working in Nursery of the Petitioners department. He was working on daily wages. The Industrial Court found that, between 1993 and 1997, the Respondent completed 240 days. The Industrial Court did not consider the contention of the Petitioners that the Respondent was appointed on a scheme and he could not have been made permanent.

3. After the impugned order was passed on 28 November 2000, the Petitioners preferred the present petition. By order dated 22 January 2002, Rule was issued and interim relief was granted staying the impugned order.

4. The Respondent has been duly served. For the last fourteen years, the Respondent has not entered his appearance nor has sought for vacating the interim order. It appears that the Respondent is not interested in availing benefits of the impugned order which directs permanency. The direction is to the Petitioner State which is governed by Articles 14 and 16 of the Constitution of India. Grant of permanency on public post is not to be resorted to lightly. In the present case, the Respondent has, by not appearing in the matter, shown no interest in getting these benefits. In the circumstances, it is not necessary to sustain a direction to permit the Respondent to occupy public post when he has shown no interest in the matter. In view of this position, the writ petition is required to be allowed.

5. Accordingly, Rule is made absolute in terms of prayer clause (b). No order as to costs.

6. It will be open to the Respondent, if he demonstrates that he is still interested in seeking benefit of the impugned order, to apply for recall of this order for consideration of the matter on merits, within a reasonable period.

(N. M. JAMDAR, J.)