

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3344 OF 2015

Sudhakar Maruti Parab

.. Petitioner

-Versus-

Union of India through Secretary
and Ors.

..Respondents

Ms. Neeta Karnik for petitioner

Ms. Neeta V. Masurkar for respondent Nos. 1 to 3

Mr. R.S.Pail with Anand Pai and Radha Ved i/b. Sanjay Udeshi & Co. for
respondent No.4

Mr.A.I.Patel, AGP for Respondent No.5.

CORAM : ANOOP V. MOHTA &
G.S.KULKARNI, JJ.

DATE : 13th July 2016.

P.C.

1] On hearing the learned Counsel appearing for the parties, we are inclined to grant relief as prayed, directing the respondent Government to refer petitioner's demand for seeking backwages and other consequential benefits in service of respondent No.4 to appropriate Central Government Industrial Tribunal, Mumbai, as the reasons by deciding the merits so recorded in the impugned order are unsustainable. Admittedly, the petitioner is acquitted by the judgement of this court dated 16th January 2014 in Appeal No.965 of 2012 and there is no Special

Leave Petition filed and/or proceeded further by the Statement. Even if, any such Special Leave Petition is filed, still the fact of termination of service and petitioner's claim for reinstatement, once the order of acquittal is passed, need to be adjudicated, if the employer is not considering the case of the petitioner.

2] In any way, the reasons so given, in our view, are not germane to the purpose and object of reference so prayed for by the petitioner. The petition is accordingly allowed in terms of prayer clauses (b)(i) and (ii). We are inclined to pass the above order in view of the peculiar facts and circumstances of the case and specifically for the reasons stated hereinabove, which in our view are unsustainable and, therefore, to avoid further delay.

(G.S.KULKARNI, J)

(ANOOP V. MOHTA, J)