

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****Writ Petition NO. 4079 OF 2012**

Dattatray Vishnu Omble

...Petitioner

Versus

1.The Union Of India And Ors

...Respondents

WITH**Writ Petition NO. 11035 OF 2013**

Nilesh Shivaji Phand And Ors

...Petitioners

Versus

The Union Of India And Ors

...Respondents

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Mr.H.M.Inamdar i/b. Mr.A.S.Pandire, for Petitioner in WP 4079/12.

Mr..H.M.Inamdar, for the Petitioner in WP 11035/13.

Mrs.S.V.Bharucha with Mr.D.R.Shah, for Union of India in WP 4079/12.

Mr.A.A.Garge, for Union of India in WP 11035/13.

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CORAM : **ANOOP V. MOHTA &**
G.S.KULKARNI, JJ.**DATE:** **18 JULY, 2016.**

ORDER :

1. Rule returnable forthwith. Heard finally by consent of the parties.

2. The Petitioners based upon the advertisement published for recruitment for the post of Vehicle Mechanic in General Reserve Engineer Force applied, participated alongwith seventy four candidates. The Petitioners alongwith other 52 candidates had been provisionally appointed. However, in pursuance to the inquiry as noted, due to various irregularities in the selection process for the post in question, the Respondent terminated the services of the Petitioners alongwith other 52 similarly appointed candidates.

3. The submission, therefore, that the Respondents ought to have followed the basic procedure including principles of natural justice while terminating the services as the petitioner who worked for six months, is not acceptable as the reasons for termination as recorded above are not on the foundation of individual misconduct and/or action or inaction. The reason for termination as recorded above however based upon the illegalities and/or irregularities in the recruitment in question and the Respondents having satisfied with the inquiry and proceeded to take action not only against the Petitioners but all 52 others who were appointed alongwith the Petitioners. Merely because some petitioners have challenged this order of termination as done by the petitioners in the present case, that itself is not

sufficient reason to accept the case of principles of natural justice and inquiry and giving individual opportunity. This is admittedly when the Petitioners were appointed on probation and the order of termination is of a discharge simplicitor.

4, Therefore, taking overall view of the matter, no case is made out to interfere in the order so passed under Article 226 of the Constitution of India. The petition is dismissed. No costs.

5. In view of the above, the request for extension of interim order so passed by this Court, is also not accepted. The said request is rejected.

(G.S.Kulkarni, J.)

(Anoop V. Mohta, J.)