

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5360 OF 2016

Shri Bharat K. Vakil Petitioner
vs
Bharat Petroleum Corporation Ltd and ors Respondents

Mr. Shenoy Shah I/by Mr.Rajeev Sawant and Associates for the petitioner.

Mr. Kevic Setalwad, Senior Advocate with Mr. R.S. Pai and Mr. Mahesh Londhe I/by Sanjay Udeshi & Co for respondents 1 to 3.

Mr. Neel Helekar with Mr. Suresh Kumar for respondent No.4/UOI.

**CORAM: ANOOP V. MOHTA AND
A. A. SAYED, JJ.**

DATE : May 03, 2016

ORDER:

Heard.

2 Considering the fact that Appellant's departmental Appeal against the order of dismissal from the service dated 12.04.2016 is pending with Respondent No.1, we are of the view that pending the same, there is no question of taking any forcible action to evict the Petitioner from the premises. Order accordingly. It is pointed out fact that the Petitioner's daughter is stying in 10th standard and son is

studying in 7th standard and the Petitioner's father, aged 82 years, is staying with him and has undergone major surgical operation.

3 The learned counsel appearing for the Respondent pointed out communication/undertaking/letter of allotment dated 20.01.2004 whereby the Petitioner agreed that he would, on termination of contract and/or dismissal and/or removal from service, as a result of disciplinary action, within 72 hours of such event, vacate the accommodation. This, in our view, needs to be considered at an appropriate stage. However, as the dismissal order itself has not attained finality as departmental Appeal is still pending, this part will be taken note of once the Appeal is decided finally against the Petitioner.

4 With the above observation, the writ petition is disposed of. This protective order will be in operation for a further two weeks from the date of communication of any adverse order against the Petitioner in the Appeal. All contentions are kept open. No costs.

(A. A. SAYED, J.)

(ANOOP V. MOHTA, J.)