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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11596 OF 2014

Shri Vishwas Shamrao Patil	...	Petitioner
Vs.		
State of Maharashtra & Ors.	...	Respondents

Mr. Manoj Patil, for the Petitioner.

Mr. C. P. Yadav, AGP for the Respondent Nos. 1 to 4.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : JULY 12, 2016

PC.

1. The Petitioner was appointed as a Police Patil. However, by an order dated 27.3.2012 his services were terminated. Being aggrieved by the said order, the Petitioner has filed Original Application No. 211 of 2013 (for short "OA") before the Maharashtra Administrative Tribunal (for short the "Tribunal"), challenging the said order.

2. The Tribunal came to the conclusion that since the term of the Applicant has come to an end on 2.1.2012, the OA has become

infructuous. Being aggrieved by the said order dated 14.11.2013, Petitioner has filed this petition, under Article 226 and 227 of the Constitution of India. The learned counsel appearing on behalf of the Petitioner submitted that Petitioner was entitled to receive the back-wages from the year 2008 to 2012.

3. We have perused the impugned order, as also the OA filed by the Petitioner. The Petitioner has prayed for following reliefs:

- “(a) That this Hon'ble Tribunal be pleased to issue appropriate Order and or direction and be pleased to call for the record and proceedings from the file of Hon'ble Minister for State for Home Affairs i.e. the Respondent No. 1, in respect of Appeal bearing No. BVP 0212/P.K. 111/Pol-8, and after going through the legality and propriety thereof further be pleased to quash and set aside the impugned Order dt. 27/3/2012, passed by the Hon'ble Minister for State for Home Affairs, Mantralaya at Mumbai, in the interest of Justice.
- (b) This Hon'ble Court be pleased to issue appropriate Order and or direction and be pleased to confirm the judgment and order dt. 2/8/2011, passed by the Ld. Commissioner, Pune Division at Pune, in Appeal bearing No. Vatan/AP/PP/KV/598/2011,

and further be pleased to reinstate the Applicant alongwith all the back wages with consequential benefits, on the post of Police Patil, Mouje Padli Khurd, Tal: Karveer, Dist. : Kolhapur.”

4. The learned counsel for the Petitioner has submitted that the Tribunal has not considered the prayer (b) of OA. There is some substance in this submission. Though the OA has become infructuous, the Tribunal ought to have considered whether the order of termination was liable to be set aside, and also to decide whether Petitioner was entitled to claim back-wages. To that extent, the matter is remanded back to the Tribunal. The Tribunal shall decide the matter on merits and in accordance with law.

Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-
[M. S. SONAK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth