

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.735 of 2016

In

Writ Petition No.3809 of 2014

(State of Maharashtra and others v. Shri Purushottam Sudamaji
Sakharwade and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri P.S. Tembhare, AGP for Applicant-Petitioners.
Shri N.R. Saboo, Advocate for Respondent No.1.

Coram : R.K. Deshpande, J.

Date : 15th July, 2016

On 22-2-2016, this Court had passed an order as under :

“ *Heard the learned counsels appearing for the parties.*

Rule, made returnable early.

In spite of granting several opportunities, no statement is coming forward on the part of the petitioners as to the question of regularization of the respondent No.1 in service.

In view of this, the interim order passed by this Court stands vacated.

The petitioners shall be at liberty to file an application for restoration of interim order by making a

positive statement in the application regarding the regularization of the respondent No.1 in service.”

The Industrial Court had granted regularization to the respondent No.1-complainant on the post of *Van Mazoor*. The respondent-complainant retired on superannuation on 2-2-2005, and since then he is not in service. In the application for restoration of the interim order passed by this Court, the main controversy raised is that the respondent-complainant had not completed 240 days of continuous service in terms of the Government Resolution dated 31-1-1996 prior to 1-11-1994. Perusal of the findings recorded by the Industrial Court shows that the respondent-complainant had completed about eight years of continuous service from 1-8-1989, and his name appears in between serial no.56 and serial no.57 in the first seniority list produced by the Department. In the second seniority list, the name of the respondent-complainant appears at serial no.4, showing the date of his initial appointment as 1-7-1989. In view of this, I do not find any reason to restore the interim order passed by this Court.

The civil application is rejected.

Judge.

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by :
P.D. Lanjewar,
PS to Hon'ble Judge

Uploaded on :15-7-2016