

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

WRIT PETITION NO. 2222 OF 2016

Union of India, through Department of Posts, New Delhi and another

-vs-

Shalini D/o Chudaman Ganuwala (Mrs. Shalini Rajendra Tembhekar)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs. M.R.Chandurkar, counsel for the petitioners.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 11.04.2016.

By this writ petition, the petitioners challenge the order of the Central Administrative Tribunal, Nagpur, dated 09/04/2015 partly allowing the original application filed by the respondent and directing the petitioners to consider the representation made by the respondent and pass necessary orders in respect of his services within a period of four weeks.

On hearing the learned counsel for the petitioners and on a perusal of the impugned order, we find that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. While passing the impugned order, the Tribunal relied on the judgment of the Hon'ble Supreme Court, reported in **2012 (5) Mh.L.J. 921 (Kavita Solunke v. State of Maharashtra and others)**. The Tribunal further found that the respondent had claimed to belong to Halba Scheduled Tribe and the appointment of the respondent was made before the cut-off date, in the year 1996. The Tribunal held and rightly so that merely because the special leave petition filed by the respondent was dismissed by the Hon'ble Supreme Court before the O.M. dated 10/08/2010 was issued by the petitioners, the respondent

could not have been deprived of the protection and a direction to the petitioners for deciding the representation of the respondent was necessary. We do not find any fault with the order of the Tribunal so as to interfere with the same.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE