

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

WRIT PETITION NO.1809 OF 2015

Leelamrut Narayan Karoo

..vs..

**Mormugaon Port Trust, through its Chairman, Administrative Building Head Land Sada,
Goa and ors**

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

Court's or Judge's Order

Shri R.S. Parsodkar, counsel for the petitioner.
Shri V.S. Mishra, counsel for R-1 & 2.
Mrs. Bharti Dangre, counsel for R-3.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 8, 2016.

Heard learned counsel for the parties.

Learned counsel Shri R.S. Parsodkar for the petitioner, in the present facts, seeks only protection of employment as the petitioner has reached the age of superannuation on 31.8.2015. He states that the petitioner joined employment way back in the year 1976 and in the order, invalidating his caste claim passed by the Scrutiny on 3.3.2015, there is no finding of any fraud or interpolation at his behest.

Learned counsel Shri V.S. Mishra for respondent Nos.1 and 2 as also learned counsel Mrs. Bharti Dangre for respondent No.3-Scrutiny Committee do not dispute the fact of retirement or then the order of the

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Scrutiny Committee. Learned counsel Shri Mishra, however, states that as per the policy decision of the Central Government dated 10.8.2010, the benefit of Resolution cannot be and could not have been availed by the petitioner after 28.11.2000.

Learned counsel Shri Parsodkar for the petitioner invites our attention to the fact that this policy decision was pointed to the Full Bench of this Court and, thereafter, the Full Bench has proceeded to extend the benefit of the protection.

We find that the judgment of the Full Bench of this Court in the case of **Arun Vishwanath Sonone ..vs.. State of Maharashtra and ors**, reported at **2015(1) Mh.L.J. 457** is very clear in this respect. The petitioner has joined employment way back in the year 1976 and the Scrutiny Committee did not hold the petitioner guilty of practising any fraud or of tampering with any record for the purposes of procuring either caste certificate or the employment. In this situation, the petitioner is entitled to grant of protection in employment in terms of the Full Bench Judgment of this Court mentioned *supra*. Accordingly, subject to petitioner filing an undertaking with the Registry of this Court, with his employer, and with the Scrutiny Committee that neither he nor his progeny shall claim any benefit of or status as person belonging to

“Halba” (*Scheduled Tribe*), his services shall remain protected. If such an undertaking is filed by the petitioner within a period of three weeks from today, the employer shall arrange to release all retiral benefits in his favour within next three months.

The writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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