

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

WRIT PETITION NO.1991 OF 2015.

Dr.Seema w/o Ramdas Chaware

..VS..

The Stte of Mah. and ors.

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

Court's or Judge's orders

Mr.S.A.Dharmadhikari, Advocate for the petitioner.
Mr.A.R.Taywade, AGP for respondent nos.1 and 2.
Mrs.T.D.Khade, Advocate for respondent no.3.
Mr.A.S.Kilor, Adv. with Adv. Ms.Sapkal for resp. no.5 &6.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : APRIL 4, 2016.

Heard Advocate Shri Dharmadhikari for the petitioner, learned AGP for respondent nos.1 and 2, Advocate Shri Kilor with Adv.Ms.Sapkal for respondent nos.5 and 6.

Advocate Ms.Sapkal points out that the papers are received recently. Petitioner is continuing in employment beyond 60 and seeks a direction to his employer (respondent nos.5 and 6) to forward the proposal for further continuation to respondent no.1 – State Government.

As nobody appears for said respondent, on 14th of March, 2016 this Court issued Bailable Warrant against respondent nos.5 and 6.

Respondent nos.5 and 6 are accordingly present before this Court. Shri Kilor informs that though they had engaged an Advocate, Advocate has failed to file Vakalatnama. However, considering the fact that respondent nos.5 and 6 are continuing petitioner in employment, we are not inclined to delve into the matter.

Shri Kilor makes a statement that the proposal for further continuation of petitioner shall be forwarded by respondent nos.5 and 6 to respondent no.3 – University within a period of one week from today.

Advocate Mrs.Khade appearing for respondent no.3 – University states that after the proposal is received, respondent no.3 shall constitute a Performance Review Committee and recommendation of that Committee thereafter shall be forwarded to the State Government.

The petitioner completes age of 62 years on 12th of April, 2017.

We therefore direct respondent nos.5 and 6 to provisionally continue the petitioner in employment and forward the proposal of petitioner to respondent no.3 within two weeks from today. After receipt of such proposal respondent no.3 shall arrange to constitute a Committee and get his performance evaluated within next six weeks.

The report of said evaluation shall be forwarded by respondent no.3 to respondent no.1 within further period of four weeks.

The respondent no.1 shall thereafter attempt to complete its evaluation within next three months. Thus, till this process is completed by respondents, status quo as of today in relation to employment of the petitioner shall be continued.

The respondent nos.5 and 6 have deposited the amount payable to petitioner as per orders of this Court dated 14th of March, 2016 with the Registry of this Court. In the light of undertaking furnished by petitioner on 10th of April, 2015, we permit petitioner to withdraw provisionally 50% of the amount deposited with the Registry of this Court and remaining 50% shall be returned to respondent no.5 and 6.

The undertaking given by petitioner shall also apply to his salary payable for the period from 1st of April, 2016 till the State Government takes appropriate decision in pursuance of this direction.

With liberty to respondent nos.5 and 6 to claim reimbursement of said salary paid to petitioner from respondent no.3 if occasion therefor arises, we dispose of the writ petition. No costs.

Needless to mention that as respondent nos.5
and 6 have appeared before this Court, the Bailable
Warrant, if not executed, stands recalled.

JUDGE

JUDGE

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