

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6112/2016

(SANJAY SUKHDEORAO BHAD **VERSUS** DIVISIONAL CONTROLLER, M.S.R.T.C., YAVATMAL & ANOTHER)

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

Court's or Judge's orders

Shri R.C. Raibhandare, counsel for the petitioner.
 Shri V.G. Wankhede, counsel for the R-1.
 Mrs. H. Prabhu, A.G.P. for the R-2.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : DECEMBER 16, 2016.

Though the petitioner has challenged the order of the scrutiny committee, dated 27.11.2001 invalidating the claim of the petitioner of belonging to Halba Scheduled Tribe, the learned counsel for the petitioner states that the petitioner gives up the said prayer and the grievance of the petitioner would stand redressed, if this Court protects the services of the petitioner in view of the judgment of the Full Bench, reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

The petitioner was appointed as a Driver on daily wages by the respondent no.1-Corporation, on 14.10.1999. The petitioner was then appointed as a Driver on time scale on probation for one year on 13.12.2000. The petitioner's services were, however, terminated on 04.12.2001 as the caste claim of the petitioner was invalidated by the order dated 27.11.2001. Though the petitioner is out of service since 2001, the petitioner claims the protection of his services as a Driver in view of the judgment of the Full Bench.

Shri Wankhede, the learned counsel for the respondent no.1-Corporation, states that identical petitions came up for consideration before this Court and this Court has, by the common order, reported in **2016(4) Mh.L.J. 775** (*Dilip Totaram Ingle Versus Divisional Controller, M.S.R.T.C., Buldana & Another*), held that the petitioners therein were not entitled to the protection of services.

The petitioners in the decided petitions like the petitioner in this case were not brought on permanent time scale before the cut-off date, i.e. 28.11.2000. The petitioners in the reported case, just like the petitioner in this case, had hardly worked with the respondent no.1-Corporation and the said services were also not on regular basis. This Court has held in the aforesaid common order that if persons like the petitioners in the decided cases are protected and directed to be reinstated after more than fifteen years, it would affect the prospects of the deserving persons from the reserved category as well as open category to seek employment. It is further held that granting protection to persons like the petitioners, who have not even worked for a year with the concerned respondent, would cause great loss to the exchequer, if their services are protected with continuity. Since this Court is of the view that the services of the persons like the present petitioner are not intended to be protected by the judgment of the Full Bench, reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*), the services of the petitioner cannot be protected.

Hence, for the reasons aforesaid and also for the reasons recorded in the common order reported in **2016(4) Mh.L.J. 775** (*Dilip Totaram Ingle Versus Divisional Controller, M.S.R.T.C., Buldana & Another*), we dismiss the writ petition with no order as to costs.

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