

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

WRIT PETITION No. 6909 OF 2015

Purushottam w/o Waman Kohad

Vs.

Schedule Tribe Caste Certificate Scrutiny Committee, Nagpur, through its Member Secretary
and another.

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

Court's or Judge's orders.

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

DATE : 18th April, 2016.

Advocate Khati submits that after orders of this court dated 8.3.2004 in W.P. No. 2413 of 2003 petitioner did not move any representation and hence his grievance in so far as the claim for protection is concerned was never considered. He is relying upon Full Bench judgment of this Court reported in **2015 (1) Mh.L.J. 457** (Arun Vishwanath Sonowane Vs. State of Mah and others). He submits that petitioner is entitled to such protection. He further adds that in view of delay in approaching this court/employer, for grant of employment, the petitioner is ready and willing to fore-go back wages for such period if service continuity is granted. Learned AGP for respondent no.1. is opposing the petition.

Advocate Kakani for respondent no. 2 states that there is gross negligence in the matter and for about 11 years petitioner did not take any steps though opportunity was given to him by this court. He further adds that respondent no.2 does not have any work and as such there are no vacancies.

Advocate Khati has invited our attention to an order dated 25.8.2015 in W.P. No. 3688/2015. He submits that there after about 12 years the relief of reinstatement has been granted.

The question of grant of protection of employment was pending before this court for several years and it has been ultimately decided by Full Bench vide judgment mentioned supra. Petitioner had lost his employment after invalidation of his caste claim and did not make representation though an opportunity was given to him to seek protection. According to Advocate Khati, considering the position then prevailing, representation would have been turned down.

In this situation, when respondent no.2 employer is pointing out that there is no work available with it, advocate Khati submits that if petitioner is provided work as and when it is available, he has no grievance.

Therefore, we direct respondent no. 2 to provide work to petitioner as soon as work becomes

available. However, petitioner shall not be given any wages for the period starting from the date of his termination till he is so provided with work. He will be entitled to service continuity if such work is provided to him and for the above period during which he was out of employment, increments shall be notionally released only to compute his current salary.

With these directions, we partly allow the petition and dispose it of. No costs.

JUDGE

JUDGE

Hirekhan