

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 959 OF 2014
IN
WRIT PETITION NO. 1071 OF 2008

Pramod Raghunath Bamane & Ors.

..Petitioners

Vs

State of Maharashtra & Ors.

..Respondents

Mr. V. K. Bhodare i/b. Mr. A. M. Joshi for Petitioners.

Mr. A. I. Patel – Addl. G.P. for Respondent Nos. 1 to 4.

CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.

DATE : JULY 28, 2017

P.C. :

The petitioners were initially appointed on the post of Workshop Assistant. On abolition of the post of Workshop Assistant they were absorbed on the post of Junior Clerk cum Typist. However since the petitioners did not join the post of Junior Clerk cum Typist the respondents had issued the notice dated 4th September 2013 asking the petitioners as to why their services be not terminated. Aggrieved by the said order, the petitioners moved civil application no. 959 of 2014 in this writ petition.

2] On 23rd April 2014 this Court ordered that no coercive steps based on notice dated 4th September 2013 be taken against the petitioners.

3] Learned AGP submits that on the basis of the said order the petitioners are not even working on the post on which they have been absorbed.

4] Having gone through the order dated 4th September 2013, it is clear that as the petitioners did not report on their post they were issued notice as to why their services be not terminated. This Court on 23rd April 2014 directed that no coercive steps based upon notice dated 4th September 2013 be taken. That does not mean that the petitioners can be allowed to sit idle and get salary without reporting on the post on which they have been absorbed. In the circumstances, we clarify the order dated 23rd April 2014 by making it clear that the petitioners are supposed to report on the post on which they have been absorbed. As we have been informed that they are not reporting on the post we direct the petitioners to report on duty on the post on which they have been absorbed within two weeks from today.

5] As regards other grounds raised in the writ petition, the same shall be decided at the time of final hearing.

6] Civil application no. 959 of 2014 is disposed of accordingly.

7] The petition has already been admitted. It be listed for final hearing as per its turn.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)