

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

Writ Petition No.1982/2002

(Atul Dadarao Tayde .vs. The State of Maharashtra and others.)

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

Court's or Judge's orders.

Shri R.S. Nagpure, Advocate for Petitioner.
 Shri N.R. Rode, AGP for Respondent Nos. 1,2 & 4.
 Shri Abhay Sambre, Advocate for Respondent No.3.

CORAM : R.K. Deshpande & Manish Pitale, JJ.

DATED : August 18, 2017.

The petitioner has challenged order dated 22.10.2001 which appears to be recognising the settlement with the Management for absorption of the employees who were rendered surplus. The petition also challenges the order of termination dated 31.10.2001 from the post of Instructor.

2. By virtue of the interim order, the petitioner was continued in service. Our attention is invited to the order dated 01.06.2006 passed by the Deputy Director of Vocational Education and Training, Amravati, granting approval to the appointment of the petitioner as full time Instructor in the pay-scale of Rs.5500-175-9000/- with effect from 01.02.2006 until further orders. The petitioner thus continued in service. There is no threat of termination of the services of the petitioner, this is what Shri Sambre, the learned counsel appearing for the Management expressed in view of the decision delivered by this Court in Writ Petition No.3580/2001 and other connected matters decided on 08.10.2015.

3. In our view the present writ petition has become infructuous as the petitioner has been continued in service and getting regular salary.

4. Shri Nagpure, the learned counsel appearing for the petitioner has invited our attention to the Civil Application No. 1624 of 2017 for amendment of the writ petition. He submitted that the petitioner was not paid the arrears of salary from 1999 to 2006 and was also not granted continuity in service from the date of initial appointment in the year 1994. A perusal of the order dated 01.06.2006 passed by the Deputy Director of Vocational Education and Training, Amravati granting approval to the appointment of the petitioner shows that the petitioner has given an undertaking not to claim continuity in service or even the back wages and upon such assurance the approval has been granted on 01.06.2006. In the present writ petition we cannot entertain any challenge to such order on the ground that the petitioner was compelled to furnish an undertaking not to claim the back wages and continuity in service. The application for amendment is rejected.

5. The present writ petition has become infructuous and dismissed as such. Rule stands discharged. No costs.

JUDGE

JUDGE