

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5834 OF 2008

Uttam Sham Rathod

.. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Mr. Y. B. Bolkar h/f. Mr. A. A. Mishra, Advocate
for the Petitioner.

Mr. A. V. Deshmukh, A.G.P. for the Respondents.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 19th October, 2018

PER COURT :

1. Heard Mr. Bolkar, learned counsel for the petitioner and the learned A.G.P. for the respondents.

2. The petitioner challenges the order of the tribunal and seeks direction to reinstate the petitioner and continue the petitioner as per the Government Resolution / letter dated 28.08.2006, 01.04.2005, 16.02.2005, 27.07.2007 and 09.06.2004.

3. The petitioner had filed Original Application

challenging the order of termination from the post of 'Driver' in the office of District Malaria Officer, Hingoli, on the ground that principles of natural justice were not followed. No reasons were assigned in the relieving order. The order of termination was in violation of the due process. The applicant is in service since the year – 1989, and he is entitled to the protection.

4. It is not disputed that the petitioner was not appointed by following due selection process. He was only registered with Employment Exchange, but was not appointed by advertisement and selection through duly constituted selection committee. The petitioner appears to have been removed from service on or about 14.03.2003.

5. Under the interim order of this Court dated 04.03.2009, the petitioner was directed to be reinstated and to pay wages to him from month to month till disposal of the writ petition. It is stated that the petitioner has completed 53 years of age.

6. Considering the interim order passed by this Court on 04.03.2009, and that pursuant to the interim order petitioner is reinstated in service, we dispose of the writ petition in terms of the interim order. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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