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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 4787 OF 2017

Satish Kisan Bhosale and Ors. ... Petitioners
Vs.
The Union of India and Ors. ... Respondents

Mr. Surendra Prakash Saxena for the Petitioners.
Mr. Neel Helekar a/w Mrs. Neeta V. Masurkar for the Respondent Nos.1
and 2.

CORAM : A.S.OKA AND M.S. SONAK, JJ.

DATE : 1st OCTOBER 2018.

P.C. :

1 The petitioners are the applicants in pending original applications before the Central Administrative Tribunal. The substantive challenge in the pending original applications is to the order of termination of the petitioners from the employment. By the impugned order, the Tribunal has declined to grant drastic interim relief of virtually granting reinstatement to the petitioners.

2 The learned counsel appearing for the petitioners relies upon the decision of the Apex Court in the case of *Joginder Pal and Ors. Vs. State of Punjab and Ors.*¹. He relies upon the order dated 13th July 2014 passed by the Apex Court in Civil Appeal No.10513 of 2016 (*Manu Tomar Vs. Union of India and Ors.*) He submitted that in some other case, the Apex Court has granted relief of reinstatement with 50% back-wages.

1 (2014) 6 SCC 644

3 The petitioners prayed for restoration of status-quo ante by way of interim relief in the original applications. The employment of the petitioners was terminated by the order dated 25th November 2016. By the impugned order dated 23rd December 2016, the learned Members of the Tribunal have declined to grant interim relief by holding that no prima facie case has been made out.

4 After having considered the submissions made by the learned counsel appearing for the petitioners, we find that no case is made out to interfere with the discretionary order passed by the Tribunal. Grant of status quo ante would have amounted to ordering the reinstatement of the petitioners in service at interim stage. The decision of the Apex Court in the case of *Manu Tomar* is rendered at the time of final hearing of the Civil Appeal before the Apex Court. The same is the case in the case of *Joginder Pal and Ors.* Hence, no case is made out to interfere with the discretionary interim order passed by the Tribunal. Writ Petition is rejected. However, all contentions of the parties on merits of the pending original applications are kept open.

(M.S. SONAK, J.)

(A.S.OKA, J.)